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THE CHARTER

With the Amendments Thereto and

REVISED ORDINANCES

—of the—

CITY OF CHAMPAIGN, ILLINOIS,

with references to the

DECISIONS OF THE SUPREME COURT OF THE STATE,

Relating to Municipal Corporations and with some of the General Laws of the State, Etc., Relating to Cities, Towns, Elections, &c.

Published by Authority of the City Council of Champaign

under the supervision of

J. S. LOTHROP, ESQ., ATTORNEY AT LAW.

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CHARTER OF THE CITY OF CHAMPAIGN.

An Act to Charter the City of Champaign.

ARTICLE I.

BOUNDARIES, GENERAL POWERS, AND FORMATION OF WARDS.

I. *Corporate Name.*
II. *Boundaries.*
III. *Additions.*
IV. *General Powers.*
V. *Formation of Wards.*

SECTION 1. **Be it enacted by the People of the State of Illinois, represented in General Assembly*, That the inhabitants in the City of Champaign, in the county of Champaign, and State of Illinois, be, and they are here[by] constituted a body politic and corporate, by the name and style of "The City of Champaign;" and by that name shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure.

SEC. 2. †The boundaries of said city shall include within their limits all within the following boundaries: Commencing at the center of Section number Eighteen (18), Township number Nineteen (19), North of Range number Nine (9) East, in Champaign county, State of Illinois, and running thence due north to the center of Section number Seven (7), same Township and Range aforesaid; thence west to the center of Section number Twelve (12), Township number Nineteen (19) North, Range number Eight (8) East, aforesaid; thence south to the center of Section number Thirteen (13), same Township and Range last aforesaid; thence east to the place of beginning. Said boundaries shall also include within their limits all the tracts of land outside of, and adjoining the above described boundaries, which have been laid off into town lots and recorded according to law.

SEC. 3. Whenever any tract of land, adjoining the City of Champaign, shall be laid off into town lots, and recorded according to law, the same shall be annexed to, and form a part of the City of Champaign.

* See Amendments, Sec. 1.
† See City of Springfield *vs.* Power, 25 Ill., 190.

SEC. 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal. in said city; and to purchase, receive, and hold property, real, beyond the limits of said city, for burial ground, for the use of the inhabitants of said city; and to sell, lease, convey, and improve property, real and personal, for the benefit of said city, and to do all other things in relation thereto as natural persons.

SEC. 5. *The City of Champaign shall be divided into four wards, the boundaries of which shall be fixed by the City Council, and shall be, by the City Council, changed from time to time, as they shall see fit, having regard to the number of free white male inhabitants. The City Council may create additional wards, as occasion may require, and fix the boundaries thereof.

ARTICLE II.

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V. *Removal of Officers; How Done.*
VI. *Vacancies, How Filled.*
VII. *Qualifications to Office.*
VIII. *In Case of the Proceedings In.*

SECTION 1. The municipal government of the city shall consist of a City Council, to be composed of the Mayor and one Alderman from each ward. The other officers of the corporation shall be as follows: A City Clerk, a City Marshal, a City Treasurer, a City Attorney, a City Assessor and Collector, a City Surveyor and Engineer, and a City Supervisor, who, in addition to the duties prescribed by this act, shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation, as may be provided by ordinance, to be appointed by the City Council, and to perform such duties as may be prescribed by ordinance.

SEC. 2. All officers elected or appointed under this act (except Aldermen), shall hold their offices for one year, and until the election or appointment and qualification of their successors respectively. All other officers mentioned in this act, and not otherwise specially provided for,

*See Ordinance on Wards.

shall be appointed by the City Council, by ballot, on the second Monday of April, in each year, or as soon thereafter as may be; but the City Council may specially authorize the appointment of watchmen and policemen by the Mayor, to continue in office during the pleasure of the City Council: *Provided*, the Mayor or Marshal may be authorized to remove them from office for good cause. All officers elected or appointed to fill vacancies, shall hold for the unexpired term only, and until the election or appointment and qualification of their successors.

SEC. 3. The several wards of the city shall be represented in the City Council by one Alderman from each ward, who shall be *bona fide* residents thereof, and hold their offices for two years from and after their election, and until the election and qualification of their successors. At the first meeting of the City Council, after the annual election in April next, the Aldermen shall be divided by lot into two classes, consisting of one Alderman from each ward; the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one half of the board shall be elected annually: *Provided*, that the present Aldermen of the city, whose terms of office do not expire at that time, shall be placed in the first class, and no election shall be held to supply their places.

SEC. 4. If from any cause there shall not be a quorum of Aldermen, the clerk shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof if necessary. If any Alderman shall remove from the ward represented by him, his office shall thereby become vacant. If, from any cause, the officers herein named shall not be appointed on the second Monday of April in each year, the City Council may adjourn from time to time until such appointments are made. If there should be a failure by the people to elect any officers herein required to be elected, the City Council may forthwith order a new election.

SEC. 5. Any officer, elected or appointed to any office, may be removed from such office by a vote of three-fourths of the Aldermen authorized by law to be elected; but no officer shall be removed except for good cause, nor unless first furnished with the charges against him, and heard in his defense, and the City Council shall have power to compel the attendance of witnesses and the production of papers, when necessary, for the purpose of such trial, and shall proceed within ten days to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charges, then the City Council may declare the office vacated: *Provided*, this section shall not be deemed to apply to any officer appointed by the City Council; such officer may be removed at any time by a vote of three-fourths, as aforesaid, in their discretion; but any officer may be suspended until the disposition of the charges when preferred.

SEC. 6. Whenever any vacancy shall occur in the office of Mayor or Alderman, such vacancy shall be filled by a new election, and the

City Council shall order such special election within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the City Council, but no special election shall be held to fill vacancies if more than nine months of the time has expired.

SEC. 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act;* but no person shall be eligible to any office, under this or any other act, in relation to said city, who is now, or may hereafter be, a defaulter to said city, or to the State of Illinois, or to any other city or county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect for thirty days, after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession; and if any person holding any such office or place, within the city, shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

SEC. 8. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots, in the presence of the City Council.

ARTICLE III.

ELECTIONS.

I. *Elections; Time and Place of Holding.*
II. *How Conducted.*
III. *Qualifications of Electors.*
IV. *Grog Shop, not Held in.*
V. *Freedom from Arrest at.*

SECTION 1. †A general election of all the officers of the corporation, required to be elected by this act, or any ordinance of the city, shall be held in each of the wards of the city, on the first Monday of April in each year, at such places as the City Council may appoint, and of which six days' previous public notice shall be given, by written or printed notices, in three public places in each ward, or by publication in the newspaper publishing the ordinances of the city, by the city clerk.

SEC. 2. The manner of conducting and voting at the elections held under this act, and contesting the same, the keeping the poll lists, canvassing of the votes, and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law, at general State elections: *Provided*, the City Council shall have power to regulate elections, and the appointment of the judges thereof. The

* See Sec. 1., Art. VII., State Constitution.
† See State Laws.

voting shall be by ballot, and the judges of the election shall take the same oath, and shall have the same powers and authority as the judges of general elections. After the closing of the polls the ballots shall be counted in the manner provided by law, and the returns shall be returned sealed to the City Clerk, within three days after the election, and thereupon the City Council shall meet and canvass the same, and declare the result of the election. The person having the highest number of votes for any office shall be declared elected. It shall be the duty of the City Clerk to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall qualify within twenty days thereafter the office shall become vacant.

SEC. 3. No person shall be entitled to vote at any election under this act who is not entitled to vote at State elections, and has not been a resident of said city at least six months next preceding said election; he shall have been, moreover, an actual resident of the ward in which he proposes to vote, for* ten days previous to such election, and if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: †"*I swear (or affirm) that I am of the age of twenty-one years; that I am a citizen of the United States (or was a resident of this State at the time of the adoption of the constitution), and have been a resident of this State one year, and a resident of this city six months immediately preceding this election, and am now, and have been for the last ten days past, a resident of this ward, and have not voted at this election:*" *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

SEC. 4. No election shall be held in any grog shop, or other place where intoxicating liquors are vended by retail.

SEC. 5. The persons entitled to vote at any election, held under this act, shall not be arrested in civil process, within said city, upon the day on which said election is held; all persons illegally voting at any election, held under this act, or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the State

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* See State Law, Sec. 74. Sec. 1, Art. VII., State Constitution.
† See State Law, Sec. 74.

ARTICLE IV.

Powers and Duties of Officers.

I. *Oath of Office.*
II. *Mayor's Oath and General Duties.*
III. *Mayor to Suppress Riot.*
IV. *Mayor to Examine Books.*
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X. *Corporate Seal and Papers, Where Kept.*
XI. *City Attorney; his Duties.*
XII. *City Treasurer;* "
XIII. *City Marshal;* "
XIV. *City Engineer;* "
XV. *Assessor and Collector; his Duties.*
XVI. *City Supervisor; his Duties.*
XVII. *City Council; Prescribe Duties of Officers and Take Bonds.*
XVIII. *Successors of Officers.*
XIX. *Commissions of* "

Section 1. Every person chosen or appointed to any executive, judicial, or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the City Clerk.

Sec. 2. The Mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm: "That he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require." He shall preside over the meetings of the City Council, and shall take care that the laws of this State and the ordinances of this city are duly enforced, respected and observed within the city; and that all other officers of the city discharge their respective duties. He shall cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, give the City Council such information, and recommend such measures as he may deem advantageous to the city.

Sec. 3. *He is hereby authorized to call on any and all white male inhabitants of the city or county, over the age of eighteen years, to aid in the enforcing the laws of the State or the ordinances of the city; and any person who shall not obey such call, shall forfeit to said city a fine of not less than five dollars.

Sec. 4. He shall have power, whenever he shall deem it necessary, to require of any of the officers of the city an exhibit of his books and his papers; and he shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance thereof.

Sec. 5. He shall be liable to indictment in the Circuit Court of Champaign county for palpable omission of duty, willful oppression, malconduct, or partiality in the discharge of the duties of his office; and, upon conviction, shall be subject to a fine not exceeding one

* See Beesman vs. City of Peoria, 16 Ill., 484.

hundred dollars; and the court shall have power, upon recommendation of the jury, to add as a part of the judgment that he be removed from office.

SEC. 6. He shall receive such salary as may be fixed by ordinance, not exceeding five hundred dollars per annum.

SEC. 7. All ordinances and resolutions shall, before they take effect, be placed in the office of the City Clerk, and if the Mayor approve thereof he shall sign the same: and such as he shall not approve he shall return to the City Council with his objections thereto. Upon the return of any ordinance or resolution by the Mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the members elected to the City Council shall agree by the "ayes and noes," which shall be entered upon the journals, to pass the same, it shall go into effect; and if the Mayor shall neglect to approve, or object to any such proceeding, for a longer period than three days after the same shall be placed in the Clerk's office as aforesaid, the same shall go into effect. He shall *ex officio* have power to administer any oath required to be taken by this act, or any law of the State; to take depositions, the acknowledgment of deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

SEC. 8. In case of vacancy in the office of Mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the City Council shall appoint one of its members, by ballot, to preside over its meetings, whose official designation shall be "Acting Mayor;" and the Alderman so appointed shall be vested with all the powers and perform all the duties of Mayor, until the Mayor shall resume his office, or the vacancy shall be filled by a new election.

SEC. 9. *The members of the City Council shall be *ex officio* fire wardens and conservators of the peace within the city; and shall be exempt from jury duty, and street labor, or the payment of street taxes during their term of office.

SEC. 10. The Clerk shall keep the corporate seal and all papers and books belonging to the city; he shall attend all meetings of the City Council, and keep a full record of their proceedings on the journals, and copies of all papers duly filed in his office, and transcripts of the journals of the proceedings of the City Council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book porvided for that purpose. He shall also keep an accurate account of all receipts and expenditures, in such manner as the City Council shall direct; and he shall have power to administer any oath required to be taken by this act.

SEC. 11. It shall be the duty of the City Attorney to perform all

*See Sec. 23, Art. XI.

professional services incident to his office, and, when required, to furnish written opinions upon questions and subjects submitted to him by the Mayor, or the City Council, or its committees: *Provided, however*, that the office of City Attorney and City Clerk may be vested in the same person.

SEC. 12. The City Treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the City Council shall direct. All money shall be drawn from the Treasury in pursuance of an order of the City Council, by a treasury warrant, signed by the Mayor or the presiding officer of the City Council, and countersigned by the Clerk; such warrant shall specify for what purpose the amount therein named is to be paid. The Treasurer shall exhibit to the City Council, at least twenty days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures, since the date of the last annual report, and also the state of the treasury; which account shall be filed in the office of the Clerk.

SEC. 13. The City Marshal shall perform such duties as shall be prescribed by the City Council, for the preservation of the public peace, the collection of license moneys, fines or otherwise. He shall possess the powers and authority of a constable at common law, and under the statutes of this State,* and receive like fees, but shall not serve civil process without first entering into bond as such constable, to be approved by the County Court, as in other cases. He shall execute and return all process issued by any proper officer, under this act, or any ordinance in pursuance thereof.

SEC. 14. †The City Engineer or Surveyor shall have the sole power, under the direction and control of the City Council, to survey within the city limits; and he shall be governed by such rules and ordinances, and receive such fees and emoluments for his services, as the City Council shall direct and prescribe. He shall possess the same powers in making plats and surveys, within the city, as is given by law to County Surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him, as are or may be given by law to the acts, plats and surveys of the County Surveyor. He shall, when required superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the erection of the same. He shall perform all surveying and engineering ordered by the City Council, and shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates and contracts, grades and boundaries, shall be first reported to the City Council and approved by them, or they shall not be valid.

SEC. 15. ‡The Assessor and Collector shall perform all duties in relation to the assessing of property for the purpose of levying the taxes imposed by the City Council. In the performance of his duties

* See Chap. 59 Gross' Statutes, 3rd edition.
† See Sec. 35, Div. I., Chap. 25, Gross' Statutes. 3rd edition.
‡ See further of duties of Assessor, part Art. IX.

he shall have the same powers as are or may be given by law to County or Town Assessor, and be subject to the same liabilities. On completing the assessment list, and having revised and corrected the same, he shall sign and return them to the City Council. He shall collect all taxes and assessment which may be levied by the City Council, and perform such other duties as may be herein prescribed or ordained by the City Council.

SEC. 16. The Supervisor shall superintend all local improvements in the city, and carry into effect all orders of the City Council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and repairing thereof, and the construction and repairing of bridges, culverts and sewers; to order the laying, relaying and repairing of sidewalks; to give notice to the owners of property adjoining such sidewalks, when required, and, upon the failure of any person to comply with such notice, to cause the same to be laid, relaid or repaired, and apportion the costs thereof among the persons, or lots [or] property chargeable therewith, and deliver the account thereof to the City Clerk, to be laid before the City Council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made, and on what account; and he shall render monthly accounts thereof to the City Council.

SEC. 17. The City Council shall have power, from time to time, to require further and other duties of all officers, whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation. They may also require all officers, severally, before they enter upon the duties of their respective offices, to execute a bond to the City of Champaign, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over and deliver all moneys and other property received by them; which bond, with the approval of the City Council, certified thereon by the Clerk, shall be filed in his office.

SEC. 18. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects of every description in his possession, belonging to said city or appertaining to his said office, he shall forfeit and pay, for the use of the city, fifty dollars, besides all damages caused by his refusal or neglect so to deliver; and such successor may recover possession of the books, papers and effects belonging to his office, in the manner prescribed by the laws of the State.

SEC. 19. All officers elected or appointed under this act, shall be commissioned by warrant under the corporate seal, signed by the Mayor or presiding officer of the City Council, and Clerk.

ARTICLE V.

Power and Duties of the City Council.

I. *City Council, Meetings of.*
I. *Mayor, Duties Therein.*
II. *Their Fees and Disabilities.*
III. *Meetings of, may Issue Bonds*
III. *Judges of Election; of Members of.*
IV. *Control City Finances; and hereof—*

1. *May Borrow; Powers therein.*
2. *Provide for Expenses.*
3. " " *Quarantine.*
4. " " *General Health.*
5. " " *Water Works.*
6. *Control Streets and Alleys.*
7. *Control Bridges, Sidewalks, etc.*
8. *Provide for Lighting Streets.*
9. " " *Markets.*
10. " " *Public Grounds.*
11. *Establish Hospitals.*
12. *Prevent Encumbering Streets.*
13. *Grant Licenses.*
14. *Control Hackmen aad Draymen.*
15. *Control Billiard Tables, Tipling Houses, etc.*
16. *Control Licenses.*
17. " *the Sale of Liquor.*
18. *Prevent Forestalling.*
18. *Regulate Provision Market.*
19. " *Butchers.*
20. " *Weights and Measures.*
21. " *the Sale of Lumber.*
22. " *the Sale of Hay, Lime and Fuel.*
23. " *the Sale of Beef, Pork, etc.*
24. *Regulate the Weight of Bread.*
25. " *the Size of Brick.*
26. " *the Police.*
27. *Suppress Riot.*
28. *Prevent Horse Racing, etc.*
29. *Punish Vagrants.*
30. *Regulate the Running at Large of Horses and Other Animals.*
31. *Prevent Rolling Hoops, etc.*
32. *Abate Nuisances.*
33. *Promote Health.*
34. *Cleanse the City.*
35. *Regulate Brewers, Packing Houses, etc.*
36. *Regulate Cemeteries.*
37. *Take the Census.*
38. *Erect Work Houses; Powers Therein.*
39. *Provide for Education.*
40. *Fill up Drains, etc.*
41. *Direct the Laying of Railroad Tracks.*
42. *Ordinances; may Pass, Amend and Revise; Powers Therein.*

Section 1. The Mayor and Aldermen shall constitute the City Council of the city. The City Council shall meet at such time and place as they shall by resolution direct. The Mayor, when present, shall preside at all meetings of the City Council, and shall have only a casting vote; in his absence, any one of the Aldermen may be appointed to preside. A majority of the persons elected Aldermen shall constitute a quorum.

Sec. 2. The members of the City Council shall receive such compensations for their services as the City Council may direct: *Provided*, that no member of the City Council shall receive more than two dollars for each regular monthly meeting of the City Council, and not more than one dollar for every called or special meeting of the same: and if any member shall be absent from any

meeting of the City Council, he shall not receive pay for that meeting. No member of the City Council shall be appointed to, or be competent to hold any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the City Council, or be directly or indirectly interested in any contract, the expense or consideration whereof is to be paid under any ordinance of the City Council, or be allowed to vote in any matter in which he is directly interested, personally [or] pecuniarily.

SEC. 3. The City Council shall hold twelve stated meetings, (one in each month) during the year; and the Mayor, or any two Aldermen, may call special meetings, by notice to each of the members of the City Council, served personally, or left at their usual places of abode. That said City of Champaign shall not at any time issue city bonds for a greater amount than ten thousand dollars, without submitting the question of issuing such bonds to a vote of the legal voters of said city, which vote or election shall be held as elections are now held under this charter, for the elections of such officers of the corporation as by this act are required to be elected, by a vote of the people. If there is a majority in favor of issuing bonds, then it shall be lawful for the corporation, acting through the proper officer, to issue bonds. Petitions and remonstrances may be presented to the City Council, and they shall determine the rule of their own proceedings, and be the judges of the election and qualification of their own members, and shall have power to compel the attendance of absent members.

SEC. 4. The City Council shall have the control of the finances, and of all the property, real, personal and mixed, belonging to the corporation; and shall likewise have power, within the jurisdiction of the city, by ordinance—

First—* To borrow money on the credit of the city, and issue the bonds of the city therefor; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law; nor shall a greater sum or sums be borrowed, or at any time outstanding, the interest upon the aggregate of which shall exceed the one-half of the city revenue arising from the ordinary taxes within the city, for the year immediately preceding, and no bonds shall be issued or negotiated at more than ten per cent. below par value, and when so issued and negotiated, the interest on the same shall not exceed eight per cent. per annum. The appropriations of the City Council, for payment of interest for the improvements and for city expenses, during any one fiscal year, shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding; but the City Council may apply any surplus money in the treasury to the extinguishment of the city debt, or the creation of a sinking fund for that purpose, or to the carrying on of the public works of the city, or to the contingent fund for the contingent expenses of the city.

* See Amendments, Sec. 1 and Sec. 5.

Second—To appropriate money and provide for the payment of the debts and expenses of the city.

Third—To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within five miles thereof.

Fourth.—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances, and punish the authors thereof by penalties, fines and imprisonment; to define and declare what shall be deemed nuisances, and authorize the direct summary abatement thereof.

Fifth.—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, in the streets, within the city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Sixth.—To have exclusive control and power over the streets, alleys and highways of the city, and to abate and remove any encroachment or obstruction thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade,* clean, or otherwise improve the same; to put drains and sewers therein, and prevent the encumbering thereof, in any manner, and protect the same from any encroachment or injury.

Seventh.—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and crossways, and regulate the construction and use of the same, and abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water-courses and natural drains, to sewer the same or wall them up and cover them over, and to prevent, regulate and control the filling up, altering or changing the channels thereof by private pesons.

Eighth.—To provide for lighting the streets and erecting lamp-posts and lamps thereon, and regulate the lighting thereof, and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing the gas pipes and gas fixtures in the streets, alleys and sidewalks.

Ninth.—To establish and erect markets, market-houses, and other public buildings of the city, and provide for the government and regulation thereof, and their erection and location, and to authorize their erection in the streets and avenues of the city, and the continuation of such as are already erected within the same.

Tenth.—To provide for the enclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets or public grounds.

Eleventh.—To erect and establish one or more hospitals or dispensaries, and control and regulate the same.

Twelfth.—To prevent the encumbering of the streets, alleys, side-

*See Roberts vs. City of Chicago, 26 Ill., 240.

walks or public grounds with carriages, wagons, carts, wheel-barrows, boxes, lumber, timber, fire-wood, posts, awnings, signs, or any other substance or material whatever; to compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalks and street gutter in front of the premises occupied by them.

Thirteenth.—To license, tax and regulate merchants, commission merchants, inn-keepers, brokers, money brokers, insurance brokers and auctioneers, and to impose duties on the sale of goods at auction; to license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, grocery keepers and keepers of ordinaries, theatrical or other exhibitions, shows and amusements.

Fourteenth.—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and to regulate and restrain runners for stages, cars and public houses.

Fifteenth.—To license, tax, regulate, prohibit and suppress billiard tables, pin alleys and ball alleys, to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, gambling and gambling houses, lotteries, and all fraudulent devices and practices, and all playing of cards, dice, and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purpose of gaming.

Sixteenth.—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than three dollars nor more than five hundred dollars shall be charged for any license under this act, and the fees for issuing the same shall not exceed one dollar; but no license for the sale of wines or other liquors, ardent or vinous, fermemted or malt, [at] wholesale or retail, by grocery keepers inn keepers or others, shall be issued for less than fifty dollars.

Seventeenth.—To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors, by any person within the city, except by persons duly licensed; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress.

Eighteenth.—To prevent, restrain and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, of butter, lard and other provisions, and the place and manner of selling fish, and inspecting the same.

Nineteenth.—To regulate, license and prohibit butchers, and to revoke their license for malconduct in the course of trade.

Twentieth.—To establish standard weights and measures, and to regulate the weights and measures to be used within the city, in all cases not otherwise provided by law; to require all traders or dealers in merchandize or property of any description, which is sold by meas-

ure or weight, to cause their measures and weights to be tested and sealed by the City Sealer, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Twenty-first.—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading, and all kinds of building materials, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

Twenty-second.—To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same; to regulate the measurement of fire-wood, charcoal and other fuel to be sold or used within the city, and the place and manner of selling the same.

Twenty-third.—To regulate the inspection of beef, pork, flour, meal, and other provisions; salt, whisky and other liquors to be sold in barrels, hogsheads, and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein which are to be shipped beyond the limits of the State, except at the request of the owner thereof or his agent.

Twenty-fourth.—To regulate the weight and quality of bread to be sold or used within the city.

Twenty-fifth.—To regulate the size and quality of bricks to be sold or used within the city, and the inspection thereof.

Twenty-sixth.—To create, establish and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

Twenty-seventh.—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly, in any pulic or private place within the city.

Twenty-eighth.—To prohibit, prevent and suppress horse-racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in the streets.

Twenty-ninth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Thirtieth.—To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to impose penalties on the owners thereof for the violations of any ordinance in relation thereto; to regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance. and to impose penalties on the owners or keepers thereof.

Thirty-first.—To prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighten horses or teams: to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and other noises, performances and practices tending to the collecting of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusements or otherwise.

Thirty-Second.—To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient.

Thirty-Third.—To do all acts and make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease.

Thirty-Fourth.—To compel the owner or occupant of any grocery, cellar, soap or tallow chandler, or blacksmith shop, tannery, stable, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort or convenience of the inhabitants.

Thirty-Fifth.—To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables and packing-houses; to direct the location and regulate the management and construction of, and restrain, abate and prohibit, within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rend[er]ing lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Thirty-sixth.—To regulate the burial of the dead; to establish or regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, and sextons and others, for any default in the premises.

Thirty-seventh.—To provide for the taking an enumeration of the inhabitants of the city.

Thirty-eighth.—To erect and establish a work-house, or house of correction, make all necessary regulations therefor, and appoint all necessary keepers or assistants. In such work-house, or house of correction, may be confined all vagrants, stragglers, idle and disorderly persons, who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate in and for the city, or for the county of Champaign; for any assault and battery, pettit larceny, or other misdemeanor punishable by imprisonment in any county jail; and any person who shall fail or neglect to pay any fine, penalty or cost imposed by any ordinance of the city, for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to the county jail of Champaign county, be kept therein subject to labor and confinement.

Thirty-ninth.—To authorize and direct the taking up and providing for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, wandering about the streets committing mischief, and growing up in mendicancy, ignorance, idleness and vice.

Fortieth.—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies; direct and regulate their construction, and cause the expenses thereof to be assessed and collected in the same manner as sidewalk and assessments.*

Forty-first.—To direct and control the laying and construction of railroad tracks, bridges, turnouts and switches in the streets and alleys, and the location of depot grounds within the city; to require that railroad tracks, bridges, turn-outs and switches shall be so constructed and laid as to intefere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersection of streets, and alleys, and ditches, sewers and culverts, where the City Council shall deem necessary; to direct and prohibit the use, and regulate the speed of locomotive engines within the inhabited parts of the city; to prohibit and restrain railroad companies from doing storage or warehouse business, or collecting pay for storage.

Forty-second.—The City Council shall have power to pass, publish, amend and repeal all ordinances, rules and publice [police] regulations, not contrary to the Constitution of the United States or of this State, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or work-house, or both, in the discretion of the court or magistrate before whom conviction may be had; but no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months, for any offense, and such fine or penalty may be recovered, with costs, in an action of debt, in the name or for the use of the city, before any court having jurisdiction, and punishment inflicted; and any person, upon whom any fine or penalty is imposed, shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail, city prison or work-house, or required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.†

* See post Sec. 4, Art. VIII. and *Note.*

† See Secs. 19 and 20 of Amendments.

ARTICLE VI.

Of Taxation.

I. *Power of the Council, and therein,*

1. *To Levy Taxes for General Purposes.*
2. *To Levy Taxes for School Purposes.*
3. *To Levy Taxes to Pay Interest.*
4. *To Levy Taxes to Build Market Houses and for Other Purposes.*
5. *To Levy Taxes for Lighting Streets and for Lamp Posts.*
6. *To Levy Poll Tax for Street Purposes.*

Section 1. The City Council shall have power within the city, by ordinance,

First.—To levy and collect, annually, taxes, not exceeding five mills to the dollar, on the assessed value of all real and personal estate and property within the city, and all personal property of the inhabitants thereof, made taxable by the laws of the State for State purposes, to defray the general and contingent expenses of the city not herein otherwise provided for, which taxes shall constitute the general fund.

**Second.*—To annually levy and collect a school tax, not exceeding five mills on the dollar, on all property taxable for State purposes, for purchasing ground for school houses, building and repairing school houses, supporting and maintaining schools.

Third.—To levy and collect, taxes, not exceeding five mills to the dollar, per annum, on all property subject to taxation, to meet the interest acc[r]uing on the debt of the city; and the City Council shall pass no ordinance or resolution incurring or creating a debt, without, at the same time, making provisions for the levying a tax sufficient to meet the payment of interest accruing thereon when payable.

†*Fourth.*—To annually levy and collect taxes on all property subject to taxation, when required, for the erection of a city hall, markets, hospitals, city prison or work-house, the purchase of market grounds, public squares or parks, or any other public improvements: *Provided*, the estimated cost of a city hall, work-house or market-house, may be apportioned by the City Council, and collected by a series of annual assessments. But the cost of market grounds, markets, public squares, or other improvements, may be levied and collected upon all real estate and other property, in the natural divisions of the city in which they are located. No local improvement, under this section, shall be ordered in any division or ward unless the Alderman from each ward shall vote for the same. But no tax or taxes shall be levied in any one year, under this section, which shall exceed five mills to the dollar on the property assessed for any or all the purposes herein specified. The revenue arising from such markets, or other improvements, shall be applied to the liquidation of the costs thereof, and taxes shall be levied and collected to make up the deficiency.

*See General School Law for further matters on this subject, Chap. 98, 3rd edition Gross' Statutes.
†See Sec. 5 of Amendments.

Fifth.—To levy and collect upon all property, in such districts as they shall from time to time create, a tax sufficient to defray one-half of the expenses of erecting lamp-posts and posts, and lighting the streets in such district or ward, and the tax thus collected shall be exclusively expended for such purpose in the district or ward paying the same.

**Sixth.*—To require, and it is hereby made the duty of every male resident of the city over the age of twenty-one years and under the age of fifty years, to labor three days in each year upon the streets and alleys of the city; but any person may, at his option, pay in lieu thereof two dollars: *Provided*, the same shall be paid within ten days after notification by the Supervisor. In default of payment as aforesaid, the sum of three dollars and costs may be collected, and no set-off shall be allowed in any suit brought to collect the same.

ARTICLE VII.

Of Assessments for Opening Streets and Alleys.

I. *City Council, Power of.*
I. *Streets and Alleys to be Surveyed.*
II. *Notice.*
II. *Commissioners Appointed.*
III. *Their Duties; to be Sworn.*
IV. *Buildings; how Proceed.*
V. *Notice to Parties Interested.*
VI. *Sale and Notice of.*
VII. *Assessments; Damage and Benefits.*
VIII. *To Strike Balance.*
IX. *Lands of Different Parties.*
X. *Apportionment.*
XI. *Notice of Assessment, and Proceedings Therein.*
XII. *Removal of Commissioners.*
XIII. *Damage to be Paid.*
XIV. *Contracts or Leases; how Proceed.*
XV. *Contracts or Leases, Dissolved* pro rata.
XVI. *Appeal, Proceedings in.*
XVII. *Owner or Landlord may Sue to Recover Damages Paid.*
XVIII. *City Council may Change Proceedings.*
XIX. *Infants; how Proceed.*

Section 1. The City Council shall have power to open and lay out public grounds or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same; but no street, alley or highway, or any part thereof, shall be discontinued or contracted without the consent, in writing, of all persons owning lands or lots adjoining said street, alley or highway. They shall cause all streets, alleys and highways, or public squares, or ground laid out by them, to be surveyed, desc[r]ibed and recorded in a book, to be kept by

* See Amendments, Sec. 2.

the clerk, showing accurately and particularly the proposed improvements and the real estate required to be taken, and the same when opened and made shall be public highways and public squares.

SEC. 2. *Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue hereof, and the amount of compensation cannot be agreed upon, the City Council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice for ten days, in the newspaper publishing the ordinances of the city; at the expiration of which time they shall choose, by ballot, three disinterested free-holders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate, respectively, and at the same time to determine what persons will be benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the Aldermen, authorized by law to be elected shall be necessary to a choice of such commissioners.

SEC. 3 †The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities. Before entering upon their duties they shall give at least five days' notice, to all persons interested, of the time and place of their meeting, for the purpose of viewing their premises and making their assessments, which notice shall be given personally, if the owners are residents and known, or by publication in the newspaper publishing the ordinances of the city, if non-residents or unknown. They shall view the premises, and, in their discretion, receive any legal evidence, and may, if necessary, adjourn from day to day.

SEC. 4 If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whol[e] value of such building to the owner, aside from the value of the land and the actual injury to him in having such building taken from him, and, secondly, the value of such building to him to remove.

SEC. 5. ‡At least five days' notice shall be given to the owner, of such determination, when known and a resident of the city, which may be given personally, or in writing left at his usual place of abode. If a non-resident, or unknown, like notice to all persons interested shall be given, by publication in the newspaper publishing the ordidinances of the city. Such notice shall specify the buildings, and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, or give notice of their election, to the City Council, either to accept the award of commissioners and allow such building to be taken, with the land condem[n]ed or appropriated, or of their intention to receive such building at the value set thereon by the commissioners, to remove. If the owner shall agree to remove such building, he shall

* See Amendments 1865, Sec. 8.
† See Amendments, Sec. 8.
‡ See Amendments, Secs. 8.

have such reasonable time for that purpose as the City Council may direct.

SEC. 6. *If the owner refuse to take the building at its appr[a]ised value to remove, or fails to give notice of his intention, as aforesaid, within the time prescribed, the City Council shall have power to direct the sale of such building at public auction, for cash or on credit, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

SEC. 7. The commissioners shall thereupon proceed to make their assessment, and determine and appr[a]ise to the owner the value of the real estate appropriated and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due allowance therefrom for any benefit which such owner may derive from such improvement. In the estimate of damages to the land, the commissioners shall include the value of the buildings, if the property of the owner of the land as estimated by them, as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove — in that case they shall only include the difference between such value and the whole estimated value of such building.

SEC. 8. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owner, respectively, and the difference only shall in any case be collected of or paid to them.

SEC. 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons, respectively, may be awarded to them by the commissioners, less the benefits resulting to them, respectively, from the improvements.

SEC. 10. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefit resulting from the improvements, as nearly as may be, and shall describe the real estate upon which their assessment may be made. When completed, the commissioners shall sign and return the same to the City Council, within thirty days of their assessment.

SEC. 11. †The Clerk shall give ten days' notice, by publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on a day to be specified therein, will be confirmed by the City Council, unless objections to the same are made by some person interested. Objections shall be heard before the City Council, and the hearing may be adjourned from day to day. The [City] Council shall have power, in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners. If annulled, all the proceedings shall be void.. If

* See Amendments, Sec. 8.
† Amended Feb. 16, 1865. See Sec. 9.

confirmed, an order of confirmation shall be entered, directing a warrant to issue for the collection thereof. If referred back to the same, or other commissioners, they shall proceed to make their assessment, and return the same in like manner, and give like notices as herein required in relation to the first, and all parties in interest shall have the like notices and rights, and the City Council shall perform like duties and have like powers in relation to any subsequent determination as are herein given in relation to the first.

SEC. 12. The City Council shall have power to remove commissioners, and from time to time appoint others in place as much [of such] as may be removed, or refuse, neglect, or are unable from any cause, to serve.

SEC. 13. The land required to be taken for the making, opening, widening, straighten[ing] or altering any street, alley or highway, or public ground or square, shall not be appropriated until the damages awarded therefor to any owner thereof, under this act, shall be paid or tendered to such owner or his agent, or in case such owner or his agent cannot be found within the city, deposited to his or their credit, in some safe place of deposit other than the hands of the Treasurer, and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys, or other highways or public grounds, may be made and opened.

SEC. 14. When the whol[e] of any lot or parcel of land or other premises, under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of the report of the commissioners, respect[ively]fully, cease and be absolutely discharged.

SEC. 15. When part only of any lot [or] parcel of land, or other premises, so under lease or contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts, agreements and engagements respecting the same, upon the confirmation of the report of the commissioners, shall be absolutely discharged as to that part thereof so taken, but shall remain valid as to the residue thereof, and the rents, consideration and payments received, payable and to be paid for, or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable in any respect of the same.

SEC. 16. Any person interested may appeal from any order of the City Council for opening, altering, widening or straightening any street, alley, or other highway, or public ground, to the Circuit Court of Champaign county, by notice in writing to the Mayor, at any time before the expiration of twenty days after the passage of said final order. In case of appeal, the City Council shall make a return within thirty days after notice thereof, and the court shall, at the next term

after return filed in the office of [the] clerk thereof, hear and determine such appeals, and confirm or amend the proceedings, from which judgment no appeal or writ of error shall lie. Upon the trial of the appeal, all questions involved in said proceedings, including the amount of damages, shall be opened to investigation, by affidavit or oral testimony adduced to the court, or upon application of the city, or any party. The amount of damages may be assessed by a jury of said court, without formal pleadings, and judgment rendered accordingly, and the burden of the proof shall in all cases be upon the city, to show that the proceedings [are] in conformity with this act.

SEC. 17. In all cases where there is no agreement to the contrary, the owner or landlord, and not the tenant or occupant, shall be deemed the person who shall and ought to pay and bear every assessment made for the expense of any public improvement. Where any such assessment shall be mad[e] upon or paid by any person, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for one so paying to sue for and recover of the persons bound to pay the same, the amount so paid with interest. Nothing herein contained shall in [any] way impair or affect any agreement between landlord and tenant, or other person, respecting the payment of such assessments.

SEC. 18. The City Council may, by ordinance, make any changes they may deem advisable in the proceedings herein prescribed, for ascertaining the damages and injury occasioned to any person or real estate, by reason of the condemnation of such real estate, or any real estate upon which any buildings may be situated, in whole or in part, and the assessment of such damages and injury upon persons or real estate benefited by the improvement, and in all such other respects as experience may suggest.

SEC. 19. Where any known owner, or other person, proving an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the judge of the Circuit Court of Champaign county, the County Judge of said county, or any judge of the Supreme Court, may, upon the application of the City Council, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all notices and summons required by this act shall be served on such guardian.

ARTICLE VIII.

Public Improvements and Assessments Therefor.

I. *City Council, Power of,*
1. *To Control Streets and Sidewalks.*
2. *To Construct Sidewalks, Drains, etc.*
3. *To Grade Streets.*
4. *To Levy Assessments.*
II. *Establish Sewers.*
III. *Petitions for Improvements.*
IV. *Sidewalks and Drains, how Ordered.*
V. *Removal of Nuisances.*
VI. *Alleys to be Kept Clean.*

Section 1. The City Council shall have power, from time to time, to cause any street, alley or other highway, to be graded,* regraded, levied, paved or planked, and keep the same in repair, and alter and change the same.

Second.—To cause cross and sidewalks, main drains and sewers, and private drains, to be constructed and laid, relaid, cleansed and repaired, and regulate the same.

Third.—To grade, improve, protect and ornament any public square, or other public ground, now or hereafter laid out.

Fourth.—The City Council, shall have power to assess and collect of the owners of lots or real estate, in any street or other highway, or any part thereof, in the same manner as other city taxes, or in such manner as may be prescribed by ordinance, for the purpose of grading, paving or planking such streets, or other highway; *Provided*, that such tax shall not exceed five mills per annum of the value of the property assessed.

Sec. 2. That for the purpose of establishing a system of sewerage and drainage, the City Council may have power to cause the city to be laid off into districts, to be drained by principal and lateral, or tributary sewers and drains, having reference to a general plan of drainage by sewers and drains for the whole city, and number and record the same.

Sec. 3. That whenever a majority in number, of the owners of real estate within any district, shall petition the City Council for the construction of such drains or sewers in such district, the City Council shall have power to levy and collect a special tax on the real estate within the district so drained, and not to exceed five mills to the dollar, per annum, on the assessed value thereof, for the purpose of constructing such sewers and drains, which tax shall be annually levied, as other city taxes by law, and shall constitute a lien on the real estate in the district in which it is assessed. And the City Council shall provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem necessary, and from time to time extend, enlarge or alter the same, upon such terms and conditions as they shall deem necessary. And the City Council shall have power to borrow money for the construction of such sewers and drains, pay-

*See Roberts vs. City of Chicago, 26 Ill., 249.

able in principal and interest from the special tax collected in such districts, or the City Council may apportion the estimated cost of such drains and sewers, and collect the same by a series of annual assessments; but no ordinance creating such debt, special tax or apportionment, shall be repealed or altered until the debt created thereby shall have deen paid.

SEC. 4. *All owner[s] or occupants of lots or lands in front of, adjoining, or upon whose premises the City Council shall order and direct sidewalks or private drains, communicating with any main drain to be constructed, graded, repaired, relaid or cleansed, or shall declare any such land or lots to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall make, grade, repair or relay such sidewalk, or make, repair or cleanse such private drain, or grade, fill up, drain or otherwise improve such lot or land, at their own cost and charges, within the time and in the manner prescribed. but the City Council may cause the same to be constructed, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expense thereof, by an order to be entered in their proceedings, upon the lots and lands, respectively, and collect the same by warrant and sale of the premises, as in other cases. A suit may also be maintained against the owner or occupant of such premises, for the recovery of such expenses, as for money paid and laid out to his use at request.

SEC. 5. In all cases where expenses may be incurred in the removal of any nuisance, the City Council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the foregoing section. Such expenses may be likewise collected of the owner or occupant of such premises, in suit for money expended to his or their use, and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses against the author of such nuisance if known, or any person whose duty it may be to remove or abate the same.

SEC. 6. †The City Council shall have power to compel the owners of lots or ground, fronting or adjoining any private or public alleys, to keep the same clean, and if necessary to direct the same to be paved, planked or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

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*Declared to be unconstitutional in the case of City of Ottawa *vs.* Spencer, 40 Ill., 211; also, City of Chicago *vs.* Larned, 34 Ill., 303. See General Law, Sec. 31

†See note, above.

ARTICLE IX.

COLLECTION OF TAXES AND ASSESSMENTS.

I. *Assessment Lists.*
II. *Annual List.*
III. *Lists Corrected.*
IV. *Lien of.*
V. *Warrants.*
VI. " *Signed and Delivered, when.*
VI. VII. *Collector's Duty.*
VII. *Statutes in Force.*
VIII. *Non-payment of Taxes; Sale.*
IX. *Collectors to Advertise for Sale.*
X. *Sales, how Conducted.*
XI. *Redemption, Right of.*
XI. " *by Infants, etc., when.*
XI. *If Redeemed or not, how Proceed.*
XI. *Deed and Abstract.*
XII. *Tax Certificate of Sale.*
XIII. *Forfeiture, when.*
XIV. *Deed, what to Show.*

SECTION 1. The City Council shall have power, by ordinance, to prescribe the form of assessment lists, and prescribe the duties and define the powers of assessors. They may also make such rules and give such directions in relation to revising, altering or adding to the lists, as they may deem proper and expedient.

SEC. 2. The annual lists shall be returned by the Assessor on or before the first Monday in August, in each year, but the time may be extended by order of the City Council. On the return thereof, the City Council shall fix a day for hearing objections thereto; and the Clerk shall give notice of the time and place of such hearing, by publication in the newspaper publishing the ordinances of the city; and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The City Council shall have power to supply omissions in said assessment lists, and, for the purpose of equalizing the same, to alter, add to, take from and otherwise correct and revise the same, or to refer the same back to the Assessor, with instructions to revise and correct the same.

SEC. 3. When the assessment lists have been corrected and revised, the same shall be filed, and an order confirming the same and directing the warrant to be issued for the collection thereof, shall be entered by the Clerk. The City Council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, not exceeding the authorized percentage, particularly specifying the purpose for which the same are levied, and if not for general purposes, the division or ward of the city upon which the same are levied.

SEC. 4. All taxes and assessments, general or special, levied or assessed, by the City Council, under this act or any ordinance in pursuance thereof, shall be a lien upon the real estate upon which the same may be imposed, voted or assessed, for two years from and after the corrected assessment lists shall be confirmed, or the passage of the

order for assessment, and on personal estate from and after the delivery of the warrant for the collection thereof, until paid, and no sale or transfer shall affect the lien. Any personal property belonging to the debtor may be taken and sold for the payment of taxes on real or personal estate, and the real estate shall be taken for the taxes on personal estate, in case of removal or when the tax cannot be made out of the personal estate, in the same manner as is prescribed by the laws of this State:* *Provided*, that in case the collection of any assessments shall be delayed by injunction, or other judicial proceedings, the same shall continue a lien upon the real estate for the period of two years, from and after the final disposition of such injunction or other judicial proceeding.

SEC. 5. The Clerk shall issue a warrant or warrants for the taxes, and rule therein separate columns, in which the taxes levied shall be separately set down opposite the name of the person of such real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

SEC. 6. All warrants issued for the collection of general or special taxes and assessment, shall be signed by the Mayor and Clerk, with the corporate seal thereto attached, and shall contain true and perfect copies of the corrected assessment lists upon which the same may be issued. They shall be delivered to the collector, for Collection, within thirty days after the filling of the corrected lists, unless further time for this purpose shall be given by the City Council. If not otherwise paid, the Collector shall have power to collect said taxes, with interests and costs, by suit in the corporate name, or by distress and sale of personal property, as aforesaid, after a demand and refusal to pay the same: *Provided*, a notice published by the Collector for ten days, in the newspaper printing the ordinances of the city, shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal. The Assessor's lists shall, in all cases, be evidence on the part of the city corporation.

SEC. 7. †All taxes and assessments, general or special, shall be collected by the Collector in the same manner, and with the same power and authority as is given by law to Collectors of county and State taxes. He shall pay the same, as fast as collected, into the city treasury, and his duty in regard to returning warrants and settling with the city, and his liability in case of default or misconduct, shall be the same as prescribed by law: *Provided*, the City Council shall have power to prescribe the powers, duties and liabilities of Collectors by ordinance.

SEC. 8. In case of the non-payment of any taxes or assessments levied or assessed under this act, the premises may be sold for the payment thereof, at any time within two years after the confirmation of the assessment by the City Council. Before any such sale or order shall be made by the City Council, which shall be entered at large in the journals or record kept by the Clerk, directing the Collector to

* See 3rd edition Gross' Statutes, Sec. 111, page 594.
† Ibid, Sec. 8, page 574.

sell, particularly describing the delinquent premises to be sold, and the assessment for which the sale shall be made, a certified copy of which order, under the corporate seal, signed by the Mayor or presiding officer and Clerk, shall be delivered to the Collector, which, together with the warrant, shall constitute the process upon which such sale may be made.

SEC. 9. *The Collector shall then advertise such premises, in the newspaper publishing the ordinances of the city, for sale, at least thirty days from and after the first publication of such notice, describing the premises by figures or otherwise, with the name of the owner (when known), and the several amounts of the taxes and assessments thereon and costs. Said notice shall also contain the time and place of sale, and shall be published at least four times. The proceedings may be stopped at any time on the payment of the taxes or assessment and interest with expenses of advertising.

SEC. 10. †All sales shall be conducted in the manner required by law, but the City Council shall have power to prescribe the manner of conducting the same. The sale shall be made for the smallest portion of ground, to be taken from the east side of the premises, for which any person will take the same and pay the taxes or assessments thereon, with interest and costs of sale. Duplicate certificates of sale shall be made and subscribed by the Collector, one of which shall be delivered to the purchaser and the other filed in the office of the Clerk, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of taxes or assessments, with the interest and expenses for which the same was sold, and the time when the right to redeem will expire. The Collector shall be allowed the same fees for selling as are allowed for similar services, or his fees may be regulated by ordinance. The Clerk shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

SEC. 11. The right of redemption in all cases of sales for taxes or assessments shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in cases of sales of real estate for taxes, on the payment in specie of double the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest. If the real estate of any infant, *feme covert* or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the City Clerk, who shall make a special deposit thereof with the Treasurer, taking his receipt therefor. If not redeemed according to law, the City Council shall, upon the return of the certificate or proof of its loss, direct a deed to be executed to the purchaser, under the corporate seal, signed by the Mayor or presiding officer of the City Council, and countersigned by the Clerk, conveying to said purchaser the premises

* Amended Feb. 16, 1865. See Sec. 7.
† See Sec. 184, 3rd edition Gross' Statutes, page 608; also, post, Ordinance on Taxes, Sec. 35.

so sold and unredeemed, as aforesaid. An abstract of all deeds so made and delivered shall be entered by the Clerk in the book wherein tax sales are recorded. A fee of one dollar may be charged by the Clerk for any deed so issued.

SEC. 12. The assignee of any tax certificate of any premises sold for taxes or assessments, under authority of the City [Council], shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser.

SEC. 13. If at any sale of real or personal estate for taxes or assessments, no bid shall be mad[e] for any parcel of the land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive in the corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

SEC. 14. *All deeds made to the purchasers of lots sold for taxes or assessments, by the order of the City Council, shall be *prima facie* evidence in all controversies and suits in relation to the rights of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts:

First — That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

Second — That the taxes or assessments were not paid at any time before the sale.

Third — That the land conveyed had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts:

First — That the land or lots was advertised for sale, for the length of time and in the manner required by law.

Second — That the land was sold for taxes or assessments as stated in the deed.

Third — That the grantor in the deed was the purchaser.

Fourth — That the sale was conducted in the manner required by law, and in all controversies and suits involving the title to land claimed and held under by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the said land had never been listed or assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemp;ion was made for the use and benefit of the person having the right of redemption under the laws of the State. But no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained from the United States, or this

*See Sec. 10 of Amendments.

State, after the sale, and that all taxes due upon the lands have been paid by such persons, or the persons under whom he claims title as aforesaid.

ARTICLE X.

Fire Department.

I. *City Council, Power of in; Hereof,*
I. *To Regulate Dilapidated Buildings.*
II. *Power of City Council, Hereof,*
1. *To Regulate Chimneys.*
2. " " *Construction of.*
3. " " *Deposit of Ashes.*
4. " " *Private Fire-Buckets.*
5. *To Regulate Manufactories.*
6. *To Regulate Fireworks.*
7. " " *Storing of Combustibles.*
8. *To Regulate Parapets and Partition Walls.*
9. *To Regulate Scuttles.*
10. *Authority at Fires; Suspicious Persons.*
11. *Establish General Regulations.*
III. *Procure Fire Engines, and Hereof,*
1. *Organize Hook and Hose Companies.*
2. *Organize Fire Companies.*
3. *Prescribe the Duties of Firemen.*
4. *Appoint Chief Engineer, etc.*
IV. *Exempt Firemen from Street Labor, etc.*

Section 1. The City Council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings witihin the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage. To declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct. To declare all wooden buildings within the fire limits, which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated in such manner as they shall prescribe.

Sec. 2. The City Council shall have power,

First—To regulate the construction of chimneys and flues, so as to

admit of chimney sweeps, or other mode of cleaning, and to compel the cleaning and sweeping of chimneys.

Second—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed, or placed in a secure and safe condition, when considered dangerous.

Third—To prevent the deposit of ashes in unsafe places, and to appoint one, or more, officer to enter into buildings and enclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

Fourth—To require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Fifth.—To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires.

Sixth—To regulate, prevent and prohibit the use of fireworks and firearms.

Seventh—To direct and prohibit the management of houses for the storing of gunpowder, and other combustible and dangerous material within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

Eighth—To regulate and prescribe the manner, and order the building of parapet and partition walls, and of partition fence.

Ninth—To compel the owners or occupants of houses, or other buildings, to have scuttles in the roofs, and stairs or ladders leading to the same.

Tenth—To authorize the Mayor, Fire Wardens, or other officers of said city, to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all officers of the city, and all other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

Eleventh—And generally to establish such regulations for the prevention and extinguishment of fires as the City Council may deem expedient.

SEC. 3 *The City Council may procure fire engines, and all other apparatus used for the extinguishment of fires, and have the charge and control of the same; and provide fit and secure houses and other places for keeping and preserving the same; and shall have power,

First—To organize fire, hook, hose, ax and ladder companies.

Second—To appoint, during their pleasure, a competent number of able and respectable inhabitants of the city, firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fire.

*See Amendments, Sec. 6.

Third—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same, and for incapacity, neglect of duty or misconduct, to remove them.

Fourth—The City Council shall have power to appoint a Chief and Assistant Engineers of the Fire Department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the City Council.

SEC. 4. *The members of the City Council and firemen shall, during their terms of service as such, be exempted from serving on juries, in the militia, or working on the streets, or paying any taxes for the same. The name of each fireman shall be registered with the Clerk of the city, and the evidence to entitle him to the exemption, provided in this section, shall be the certificate of the Clerk, under the corporate seal, for the year in which exemption is claimed.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

I. *Publish Receipts and Expenditures, etc.*
II. *Exempt from Township Road Tax.*
III. *Supervisors' Notice to Work Streets.*
IV. *Establish Boundaries, Streets, etc.*
V. *Fines and Penalties, where Paid.*
VI. *Additions, how Made.*
VII. *Divisions, Expenditures in.*
VIII. *Supervisors, Neglect of Duty of.*
IX. *Remitting Fines, how Done.*
X. *Vote of Council, Reconsideration of.*
XI. *Ordinances, Publication of.*
XII. *Suits, how Brought.*
XIII. " *Summons in.*
XIV. *Judgments, Executions on.*
XV. *Freeholders Competent as Judges.*
XVI. *Former Ordinances.*
XVII. " *Actions.*
XVIII. *Property of City.*
XIX. *Ordinances, Proof of.*
XX. *Style of Ordinances.*
XXI. *Lots, Blocks Platted, etc.*
XXII. *No Legal Act Invalidated.*
XXIII. *Conservators of the Peace.*
XXIV. *Digest of Ordinances.*
XXV. *Health, Powers of Council in.*
XXVI. *Charter, to Take Effect when.*
Certificate of Secretary of State.

SECTION 1. The City Council shall, at least ten days before the

*See Ordinance on Fire Department.

annual election in each year, cause to be published, in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions, for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

SEC. 2. The inhabitants of the City of Champaign are hereby exempted from working upon any road or highway beyond [the] limits of the city, and from paying the tax in lieu thereof, without said limits.

SEC. 3. *The Supervisor shall demand the services of all persons who are required to labor on the streets and alleys of the city, at such time and place, and in such manner as the City Council may direct, or the Supervisor shall deem necessary. He shall deliver, or cause to be delivered or left, at the usual places of abode or business of any person so required to labor, as aforesaid, a written or printed notice, or partly written or partly printed notice, in such form as the City Council shall prescribe, which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated, for the purpose of laboring upon the streets and alleys. But a similar notice published for ten days, in the newspaper publishing the ordinances of the city, by the Supervisor, or posted up in three of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear and labor, as aforesaid. Upon the neglect of any person to appear and labor, as aforesaid, or to pay the tax, the Collector shall collect from each person, in the same manner as other taxes, the sum of three dollars, with his commission for collecting the same added thereto, or the same may be recovered by suit, with costs, as in other cases.

SEC. 4. The City Council shall have power to establish, make and declare the boundaries and names of streets and alleys.

SEC. 5. All fines, forfeitures and penalties collected for offen[s]es committed within said city, shall be paid into the treasury of said city by the officers collecting the same, and all fines and forfeitures collected of any citizen of said city, for any conviction in the Circuit Court, shall be paid over in like manner.

SEC. 6. The City Council shall have power to require that all additions hereafter made to said city, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted as to correspond and conform to the regular blocks, streets and alleys already laid out and established within the city.

SEC. 7. The City Council shall, in all expenditures for purposes strictly local, expend, annually, in the several natural divisions of the

*See Amendments, Sec. 2.

city, such proportion as near as may be of the whole expenditures for like purposes during the same period, as will correspond to the several sums contributed by each division to the general fund. Street taxes shall be expended in the several wards or districts where the persons paying the same may respectively reside.

SEC. 8. The Supervisor, in addition to the penalties prescribed by ordinance, shall, for willful neglect of duty, be liable to indictment and fine in the same manner as Supervisors under the laws of the State.

SEC. 9. Neither the City Council or Mayor shall remit any fine or penalty imposed upon any person, for a violation of any laws or ordinances of said city, or release from confinement, unless two-thirds of all the Aldermen elected shall vote for such release or remission. Nor shall anything in this act be so construed as to oust any court of jurisdiction, to abate and remove nuisances within its jurisdiction, by indictment or otherwise.

SEC. 10. No vote of the City Council shall be reconsidered or rescinded at a special meeting, unless the meeting be called, in whole or in part, for that purpose, and the Aldermen be so notified, and unless at such special meeting there shall be present as large a number of Aldermen as was present when the vote was taken.

SEC. 11. *Every ordinance, regulation and by-law, imposing any penalty, fine, imprisonment or forf[e]iture for a violation of its provisions, shall after the passage thereof, be published three days in the newspaper publishing the ordinances of the city, and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the Clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulaation or by-law, in all courts and places.

SEC. 12. All actions brought to recover any penalty or forf[e]iture incur[r]ed under this act, or any ordinance, by-law or police regulation, made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine or forf[e]iture, stating the clause of this act, or the by-law or ordinance under which the penalty or forf[e]iture is claimed, and to give the special matter in evidence under it.

SEC. 13. In all prosecutions for the violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

SEC. 14. †Execution may be issued immediately on rendition of judgment. If the defendant has no goods, or chattels, or real estate, within the county of Champaign, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail, or work-house, or city prison, for a term not exceeding six months, in the discretion of the court rendering judgment, and all

* See Amendments, Sec. 3.
† See Amendments, Sec. 17.

persons who may be committed under this section, shall be confined one day for each one dollar of such judgment and costs. All expenses incur[r]ed in any execution for the recovery of any fine, penalty or forf[e]iture, when collected shall be paid into the city treasury.

SEC. 15. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the City of Champaign, in any action or proceeding in which said city may be a party in interest.

SEC. 16. All ordinances, regulations and resolutions, now in force in the City of Champaign, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the City Council after this act shall take effect. And all said ordinances, regulations and resolutions, and all acts, proceedings, matters and things, of any and every name and notice whats[o]ever, done, or provided to be done, by the City Council of the City of Champaign, before this act shall take effect, are hereby made and declared to be valid.

SEC. 17. All rights, actions, fines, penalties and forf[e]itures in suit[s] or otherwise, which have heretofore accrued to the city, at any time, shall be vested in and prosecuted by the corporation hereby created.

SEC. 18. All property, real, personal or mixed, belonging to the City of Champaign, is hereby vested in the corporation created by this act, and the officers of said corporation, now in office, shall respectively continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act, which shall take effect from and after its passage.

SEC. 19. *[All] ordinances of the city, when printed and published by authority of the City Council, shall be received in all courts and places without further proof.

SEC 20. The style of all ordinances shall be: "Be it ordained by the City Council of the City of Champaign."

SEC. 21. Any tract of land adjoining said city, which may be laid off into lots or blocks, and duly platted according to law, and any tract of land adjoining the city, with the consent of the owner thereof, shall and may be a[n]nexed to said city and form a part thereof.

SEC. 22. This act shall not invalidate any legal act done by the City Council of the City of Champaign, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to, or been created by, said corporation prior to the passage of this act.

SEC. 23. All officers of the city created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or caust [cause] to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this city, commit for examination, and, if necessary, detain such persons in custody, over night or the Sabbtah, in

*See Amendments, Sec. 4.

the watch-house or other safe place, or until they can be brought before a magistrate; and shall have and exercise such other powers, as conservators of the peace, as the City Council may prescribe.

SEC. 24. There shall be a digest of the ordinances of the city which are of a [general] nature, published within five years after the passage of this act, and a like digest within every period of five years thereafter.

SEC. 25. The City Council shall have power to make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance and to prevent and remove the same.

SEC. 26. This act shall not take effect as the charter of the city of Champaign, unless a majority of the legal voters of said city, voting at an election hereinafter provided, shall cast their votes for the adoption of the same; said election to be held on the last Monday in the month of March, A. D. 1861, as other elections are now held in said city, upon notice to be given by the Clerk or Attorney of the present Board, said notices to be posted up in five public places in said city. The returns of said election, held as aforesaid, shall be certified by the officers of the elections, and placed on file in the office of the Circuit Clerk of the county of Champaign, Ill[inoi]s. And it shall not be necessary in any proceeding, either at law or in equity, to prove that this charter was adopted by the people, but such proof shall be a matter of defense, in showing that this charter was not adopted by a vote of the people, by reference to the returns of the election, as in this section provided for.

This act shall be a public act, and shall take effect from and after its passage.

SHELBY M. CULLOM,
Speaker of the House of Representatives.
FRANCIS A. HOFFMAN,
Speaker of the Senate.

APPROVED, FEBRUARY 21, 1861.
RICHARD YATES, *Governor.*

UNITED STATES OF AMERICA, } ss.
STATE OF ILLINOIS. }

I, O. M. HATCH, Secretary of State of the State of Illinois, do hereby certify that the foregoing is a true copy of an enrolled law now on file in my office. In witness whereof, I have hereunto set my hand, and affixed the Great Seal of State, at the city of Springfield, this 21st day of March, A. D. 1861.

{ L. S. }

O. M HATCH, *Secretary of State.*

AMENDMENTS

TO THE CHARTER OF THE

CITY OF CHAMPAIGN.

I. *Sec.* 4, *Art.* 5, *of Charter Amended.*
II. *Art.* 6, *and Sec.* 3, *Art.* 11 *Amended.*
III. *Sec.* 11, *Art.* 11, *Amended.*
IV. *Sec.* 19, *Art.* 11, *Amended.*
V. *City Hall, Market House, and Other Buildings; Power of City Council in.*
VI. *Fire Engines, etc.*
VII. *Sec.* 9, *Art.* 9, *Amended.*
VIII. *Secs,* 2, 3, 5 *and* 6, *Art.* 7, *Amended.*
VIII. *Publication of Notice.*
VIII. *Posting* "
IX. *Sec.* 11, *Art.* 7, *Amended.*
IX. *Notice of Assessment.*
IX. *Damages and Benefits.*
IX. *Assessments, how Collected.*
IX. *Lands Sold for.*
X. *Commissioners to Convey.*
XI. *Re-survey and Numbering Lots.*
XII. *Additions, how Made.*
XIII. *Damages for Neglect.*
XIV. *Jurisdiction of Police Justices.*
XIV. *Rules of Practice.*
XV. *Powers of Marshal.*
XVI. *Fines and Forfeitures.*
XVII. *Process.*
XVIII. *Affidavit for.*
XVIII. *Proceedings under.*
XIX. *Continuance.*
XX. *Executions.*
XXI. *Costs, how Paid.*
XXII. & XXIII. *City may Appeal.*
XXIV. *Forms Prescribed by Council.*
XXV. *Publication of Notice.*

Certificate of Secretary of State.

AN ACT to amend an Act entitled "An Act to Charter the City of Champaign," approved February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section four of article five of an Act entitled "An Act to Charter the City of Champaign," approved February 21st, 1861, is hereby so amended that the City Council of said city shall have power to issue and negotiate any such bonds as mentioned in said section, bearing any rate of interest not exceeding the rate of ten per cent. per annum, instead of eight per cent. per annum, as heretofore required in certain cases.

SEC. 2. Article six, and section three of article eleven of said act, are hereby so amended that the City Council of said city shall have power, by ordinance or resolution, to fix the amount of money to be paid, in lieu of labor, upon the streets, alleys and highways of said

city, at any sum not less than two, nor more than six dollars; and in case any person, liable to perform such labor, shall fail or refuse so to do, when duly notified by the City Supervisor, and shall fail for five days after the first day appointed by such notice for such labor, to pay to the City Supervisor, or the City Treasurer, the amount of money which may be so fixed by the City Council, the amount of money so fixed, together with fifty per cent. thereof, for damages, may be collected of him, by suit, in the name of the city, before any court of competent jurisdiction, with costs of suit, and no set-off shall be allowed in any such suit; or said amount of money, and damages, may be collected in the same manner as other taxes. It shall be sufficient publication of the notice required by said section three, article eleven, to be published for ten days in the newspaper publishing the ordinances of the city, to publish such notice once in such newspaper, which publication shall be at least ten days before the first day appointed in said notice, for laboring on such streets, alleys or highways.

SEC. 3. Section eleven of article eleven, of said act, is hereby so amended that it shall be sufficient publication of any ordinance, regulation or by-law, required by said section eleven to be published three days in the newspaper publishing the ordinances of the city, to publish the same in such newspaper at least once; but no such ordinance, regulation or by-law shall take effect, or be in force, until three days after such publication. Such publication may be proved by any competent evidence, and proof of such publication, by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the City Clerk of said city, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all courts and places; all ordinances, regulations and by-laws, which have been heretofore printed and published, as herein provided, shall be taken and considered in all courts and places as having been legally and sufficiently printed and published.

SEC. 4. Section nineteen of article eleven, of said act, is hereby so amended that any of the ordinances, regulations or by-laws of said city, when printed and published by authority of the City Council, shall be received in evidence in all courts and places, without further proof, and the certificate of the City Clerk, under the corporate seal of the city, shall be *prima facie* evidence of such printing and publication. The ordinances, regulations and by-laws of said city, which have been, or may hereafter be, published in book or pamphlet form, such book or pamphlet purporting, by its title, to be published by authority of the City Council of said city, shall be received in all courts and places as *prima facie* evidence of the due passage, printing and publication, and promulgation of such ordinances, regulations and by-laws.

SEC. 5. Whenever the City Council of said city shall lawfully determine, by ordinance or resolution, to be entered upon the journals, to erect, a city hall, market, hospital, city prison, or work-house, or to

purchase any market grounds, public squares or parks, or to grade, pave or plank any street, or part thereof, or to erect lamps and posts, and light the streets in any district or ward, or upon any other improvement for which they are authorized by law to levy a tax, and the estimated costs of such improvements shall be greater than the amount received from the tax authorized by law to be levied for that purpose, at one time, they shall have the power to levy and collect such tax on all the property subject to taxation in the city, or in the proper division, ward or district thereof, annually, until a sufficient amount of money shall have been received from it to pay the expenses of such improvement, or so much of such expenses as any such division, ward or district may be liable by law to pay; or they may borrow money to an amount equal to the estimated cost of such improvement, not exceeding the amount to which they are by law authorized to issue the bonds of the city, and proceed with such improvement with the money so borrowed, and may annually levy and collect the rate of tax so authorized by law for that purpose, on all property subject to taxation in the city, or in the proper division, ward or district thereof, until the money so borrowed, or the proportion thereof proper to be paid by any division, ward or district of the city, and the interest thereon, shall be received.

SEC. 6. The City Council of the City of Champaign shall have power, within the city, to levy and collect a tax, not exceeding five mills on the dollar, on all property taxable for State purposes, for the purpose of procuring fire engines, hooks, ladders, and all other apparatus used for the extinguishment of fires, to be collected as other taxes.

SEC. 7. Section nine of article nine, of said act, is hereby so amended that the collector shall advertise such premises as therein mentioned, for sale, in the newspaper publishing the ordinances of said city, at least three times, the first of which advertisement shall be at least thirty days before the day of such sale, describing the premises, by figures or otherwise, with the name of the owner (when known), and the several amounts of the taxes and assessments thereon, and costs; said notice shall also contain the time and place of sale.

SEC. 8. Section two of article seven, of said act, is hereby so amended that it shall be sufficient publication of the notice thereby required to be published for ten days in the newspaper publishing the ordinances of the city to publish such notice twice in such newspaper, the first publication to be at least ten days previous to the choice of commissioners, as provided by said section two. Section three of said article seven is hereby so amended that it shall be sufficient publication, of the notice therein required to be published by the commissioners, to publish such notice in the newspaper publishing the ordinances of the city, at least once; which publication shall be at least five days before said commissioners enter upon their duties. Section five of said article is hereby so amended that it shall be sufficient publication of the notice, therein required to be published, to publish such notice once in the newspaper publishing the ordinances of the city, such

publication being at least five days previous to the day named in said notice for persons intersted to appear and give notice to the City Council of their election, as required by said section. The five days' public notice required to be given by section six of said article, may be given by posting up written or printed, or partly written and partly printed, notices of such sale, in at least three of the most public places in said city, or by publishing such notice once in the newspaper publishing the ordinances of said city, which publication shall be at least five days before the day of sale.

SEC. 9. *Section eleven of article seven, of said act, is hereby so amended that it shall be sufficient publication of the notice therein required to be given by the Clerk, to publish the same at least twice in the newspaper publishing the ordinances of the city, the first of which publications shall be at least ten days before the day specified in said notice for the confirmation of the assessment, and in addition to the provisions of said section eleven, when the commissioners appointed for assessing the damages and benefits, for making, opening, widening, straightening or altering, any street, alley or highway, or public ground or square, shall have reported their assessment of damages and benefits to the City Council, and the City Council shall have approved the same, such assessment may, at any time thereafter, be collected of the owner of the lot, land or premises against which the same is assessed, and recovered, by suit in the name of the city, before any court having jurisdiction; or the City Council may, by the passage of ordinance or resolution, to be entered, at full upon the journals by the City Clerk, levy and assess the amount of such assessment against the land, lot or premises against which the same is assessed by the commissioners,and direct that a warrant issue for the collection of the same; and such warrant shall be collected by the sale of the lands, lots or premises, against which assessments are made, in the manner provided in the ninth article of said act (and such amendments as may be made thereto), for the collection of taxes and assessments, and such assessments shall be a lien in the manner provided in the fourth section of said article nine. The ordinance or resolution the City Council, levying such assessments, shall contain a correct list and description of the lands, lots or premises, in figures or otherwise, with the name of the owner thereof (if known), and the amount assessed against each tract of land, lot or premises, set opposite thereto.

SEC. 10. The commissioners appointed to assess the damages for making, opening, widening, straightening or altering any street, alley or highway, or public ground or square, when all the proceedings shall have been completed, and the damages paid or tendered to the owner of the land taken, or deposited to his or their credit, in the manner required by law, shall by deed convey to the city the lands, lots and real estate so taken, and such deed shall vest such lands, lots and real estate in the city for the use of the public, and shall be conclusive

*See Art. VII.

evidence that all proceedings were in conformity with the charter and ordinances of said city.

SEC. 11. The City Council of said city may cause the re-survey of said city, or any part thereof, or addition thereto, and may correct any errors which may be found in the original surveys of the same, and may cause all lands and real estate within the city to be surveyed and correctly described, by metes and bounds, or otherwise, or designated by numbers, so as to be properly assessed for taxation, and may regulate the numbering of blocks and lots in the city, and the numbering of lots and blocks, or lands, not already numbered, or which may hereafter be laid out or subdivided, and may cause maps or plats of such lands, blocks or lots, to be made and recorded, and the number, or other designation of such lands, lots or blocks, upon such map or plat, shall be a good and valid description thereof, in all conveyances, assessments or tax lists, or other proceedings.

SEC. 12. The City Council shall have power to adopt a plan for the laying out and platting of all additions which may be made to the city, or of subdivisions of lands lying within the city, so as to establish regularity and uniformity in the streets, alleys, and highways of the city, and to require that all additions which may be laid out or platted, shall conform to such plan, and no map or plat of any addition to such city, or of any lands or lots adjoining it, or of any subdivision of the same, shall be entitled to record, or be recorded, in the office of the Recorder of Champaign county, until the same shall have been approved by the City Council of said city, and all such additions or subdivisions shall be null and void until a correct map or plat thereof shall be approved by the City Council of said city.

SEC. 13. *The City Council shall not be liable for any damages or injury arising from the bad condition of the sidewalks, crossings, streets, alleys or highways of the city, by reason of the neglect of the proper officers of the city to repair the same, until the Supervisor of the city shall have been notified thereof, and shall have failed to repair the same, within a reasonable time after such notice.

SEC. 14. The City Council of the City of Champaign shall have power, by ordinance or resolution, to designate one or more justices of the peace in said city, who shall have, concurrently with the Police Magistrate of said city, jurisdiction of any action for the recovery of any fine, penalty or forfeiture, under the charter, or any amendment thereto, or any ordinance, regulation or by-law of said city, where the amount claimed does not exceed one hundred dollars. The rules of practice before such justice of the peace, in such cases, shall be the same as prescribed for Police Magistrates, and all process or orders, issued or made by him, shall be executed by the officers empowered to execute process or orders of a Police Magistrate.

SEC. 15. The City Marshal and Police Constables of the City of Champaign, and other officers empowered by law to execute process issued by the Police Magistrates, justices of the peace, or other courts,

*See City of Champaign vs. Patterson, 50 Ill., 52.

in cases arising under the charter or ordinances of the city, may serve and execute the same within the limits of the county of Champaign, and may receive the same fees for mileage, as are allowed to county constables in similar cases.

SEC. 16. The city may sue and declare, in the manner provided in section twelve of article eleven, of said act, for several fines, penalties and forfeitures for violations of the charter or ordinances of the city, at the same time, and recover judgment for as many offenses as may be proven, not exceeding the jurisdiction of the court, and may join several defendants, and recover against as many of them as are proved jointly to have committed such violation.

SEC. 17. Section thirteen of article eleven, of said act, is hereby so amended that in all prosecutions for the violation of the charter of said city, or any amendments thereto, or for the violation of any ordinance, regulation or by-law of said city, the first process shall be a summons, unless oath or affirmation be made for a warrant, as herein required: *Provided*, no process shall be necessary when the defendant is legally arrested, without warrant, and brought before the court, but in such cases an entry of the cause, time and place of the arrest shall be made upon the docket of the court, and trial shall be had in the same manner as if process had been issued.

SEC. 18. Upon affidavit being made before any proper officer, by any person, of the violation of the charter of said city, or any amendment thereto, or any ordinance, regulation or by-law of said city, by any other person, stating the nature of the violation, and that the offender is a non-resident of the city, or is about to leave, or remove from the city, or that there is danger that the debt or penalty will be lost to the city, unless the defendant be arrested, and held to bail, or if it shall appear from the affidavit that the offense committed is an assault, breach of the peace, or other offense, in which a warrant is authorized by the laws of the State, a warrant may be issued for the person accused, which shall contain a brief statement of the nature of the offense, and the title of the ordinance, regulation or by-law, and the section or sections, or clause of the charter, ordinance, regulation or by-law, under which the action is brought, and shall be in other respects substantially like the warrant authorized to be issued by justices of the peace, by the twenty-second section of chapter fifty-nine of the Revised Statutes of the State, and any person arrested on such warrant may give bail with like effect, and the same proceedings may be had thereon as in other cases of special bail, until otherwise provided by the City Council.

SEC. 19. When any person shall be legally arrested, without warrant, and be taken before the Police Magistrate, or any justice of the peace designated by the City Council, as aforesaid, and shall be desirous to postpone the trial of the action against him, the court may, for good cause shown, upon oath, continue such cause: *Provided*, the defendant shall, if required by the court, give bail, with good security, for his appearance at the trial, or remain in custody.

SEC. 20. Execution may issue immediately upon rendition of judgment in favor of the city for any such fine, penalty or forfeiture, of the tenor and effect required by section fourteen of article eleven, of said act, but the defendants shall stand committed until such fine, penalty or forfeiture is discharged, either by a surrender of sufficient property on the execution, or by confinement, or by payment thereof: *Provided*, the City Council of said city may remit such fine, penalty or forfeiture, or release such defendant from custody, either or both, by a vote of two-thirds of the Aldermen elected; but a release from custody only shall not discharge such defendant from the payment of such fine, penalty or forfeiture, and costs.

SEC. 21. The City of Champaign shall not be liable for costs, in any case arising under the charter and ordinances of said city, in any event, and the City Council may provide for the payment of the Police Magistrate, justices of the peace, police officers and constables, of a sum of money in gross, in lieu of all fees and costs.

SEC. 22. The city may appeal in all cases arising under the charter and ordinances of the city, without giving security, and the Mayor, in cases of appeal by the city, shall execute a bond, in the name of the city, under the corporate seal, without securities, and a resolution or ordinance of the City Council, authorizing the same, shall be sufficient authority therefor, nor shall the city, in any case, be required to file bonds or security for costs.

SEC. 23. Transcripts of judgments rendered in cases arising under the charter or ordinances of said city, may be taken from the dockets of the Police Magistrate, or justices of the peace, and filed in the office of the Clerk of the Circuit Court of Champaign county, and shall have the same effect as transcripts in other cases, and execution shall be issued thereon and collected in like manner.

SEC. 24. The City Council of the City of Champaign shall have power to prescribe the forms of process to be used in, and rules of practice for the government of Police Magistrates and justices of the peace, in cases arising under the charter or ordinances of the city, and to fix and regulate the fees and compensation of jurors, witnesses and others, for services rendered in such cases.

SEC. 25. Whenever, by the terms of the act, to which this is an amendment, a notice or advertisement is required or authorized to be published in a newspaper, for any number of days, not exceeding ten, it shall be sufficient to publish such notice in such newspaper once; when such notice or advertisement is required, by said act, to be published more than ten days, and less than twenty-one days, it shall be sufficient to publish it twice; and when such notice is required to be published for any number of days, exceeding twenty-one, it shall be sufficient to publish it three times; and in all cases, where the publication is by said act required to be made any number of days or length of time, before any other time, or act to be done, the first publication herein required shall be made as long before such time or act.

SEC. 26. This act shall be deemed a public act, and may be read in evidence without authentication, and judicial notice shall be taken thereof in all courts and places, and shall take effect and be in force from and after its passage.

Approved February 16, 1865.

DEPARTMENT OF STATE, }
SPRINGFIELD, May 10, 1865. }

I, SHARON TYNDALE, Secretary of State of the State of Illinois, do hereby certify that the foregoing, except the words printed in brackets, thus [ ] (which are inserted for the purpose of correction and explanation), are true and perfect copies of the enrolled laws on file in my office.

In testimony whereof, I have hereunto set my hand, the day and year aforesaid.

SHARON TYNDALE, *Secretary of State.*

AN ACT to amend an Act entitled "An Act to Charter the City of Champaign," approved February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the boundaries of the city of Champaign are hereby enlarged, so as to include all that territory included within the following limits, viz.: Beginning at the center of section eighteen (18), town nineteen (19) north, range nine (9) east, of the third principal meridian, in the county of Champaign; and from thence, one mile and three-fourths of a mile due north; and from thence, due west two miles; and from thence, south to the center of section fourteen (14), township number nineteen (19) north, range number eight (8) east, of the third principal meridian, in the county of Champaign; and from thence, east to the center of section eighteen aforesaid, to the place of beginning.

SEC. 2. This act shall be deemed a public act, and take effect from and after its passage.

Approved March 30, 1869.

UNITED STATES OF AMERICA, }
STATE OF ILLINOIS. } ss.

I, EDWARD RUMMEL, Secretary of State of the State of Illinois, do hereby certify that the foregoing is a true copy of an enrolled law, now on file in my office. In witness whereof I have hereunto set my hand and affixed the Great Seal of the State, at the city of Springfield, this nineteenth day of January, A. D. 1871.

{ L. S. }

EDWARD RUMMEL, *Secretary of State.*

GENERAL LAWS

OF THE STATE ON ELECTIONS.

Laws 1861, 267. 21 *Feb.* § 1. *Laws* 1865, 58. 15 *Feb.* § 15. **72.** Thirty Days' Residence.] To constitute residence, under the election laws of this State, a person shall have resided in the election precinct or district for the term of thirty days; and no person shall be etitled to vote at any election under the laws of this State, excepting under charters for cities or incorporated towns, unless he shall have actually, and in good faith, resided in the election precinct or district in which he offers his vote, for thirty days immediately preceding such election, any law of this State to the contrary notwithstanding.

Ibid. § 2. **73.**] Any person violating the provisions of this act shall be subject to all the fines, penalties and punishments that are now provided by law for illegal voting.

Laws 1861, 267. 22 *Feb.* § 1. *Laws* 1865, 58. 15 *Feb.* § 15. **74.** Residence — Challenge — Oath — Witnesses.] To constitute residence, under the Constitution and election laws of this State, a permanent abode is necessary; and [at] all elections, general or special, held in any town, city, district or ward, every person offering to vote, who is not personally known to the judges and inspectors of election to have such permanent abode, and to have resided in such election district for the space of thirty days immediately preceding such election, shall if his vote be challenged, take the oath now required by law, and, in addition thereto, swear or affirm to his place of residence, specifying the particular place and house in which he resides, and stating how long he has there resided, and his business or employment; and if he has not resided in such house for thirty days immediately preceding such election, he shall state where and in what house he has resided for the last thirty days; and, in addition thereto, such voter, so challenged, shall be required to produce two witnesses, both of whom are personally known to said judges of said election, and resident in the precinct, district or ward, or shall be proved by some legal voter or voters of the precinct or district in which said vote is offered, to be voted [voters] therein, who shall be known to said judges, and each of whom shall take the following oath, to be administered by one of the judges of said election:

I do solemnly swear (or affirm, as the case may be,) that I am a resident of this election district, and entitled to vote at this election, and that I have been a resident of this election district for one year last past, and that I am well acquainted with the voter whose vote is

now offered; that he is an actual and bona fide *resident of this election district, and that he has resided in this State for one year last past.*

Laws 1861, 268. 22 *Feb.* § 2. **75.** PENALTIES AGAINST JUDGES.] If any judge of any election shall permit any voter to vote, whose vote is so challenged, without the proof required in section one of this act, or shall knowingly and wilfully permit any person to testify as a witness, contrary to the provisions of this act, shall be deemed guilty of [a] high misdemeanor, and, on conviction thereof, shall be fined in the sum of $1,000, and imprisoned in the county jail for six months.

Ibid. § 3. **76.** PERJURY.] If any witness or voter, whose vote is so challenged and sworn under the provisions of this act, shall knowingly, wilfully and corruptly swear falsely, he shall be deemed guilty of perjury, and, on conviction thereof, imprisoned in the penitentiary for any time not less than three nor more than twenty-one years.

Ibid. § 8. **77.** ALL ELECTIONS INCLUDED.] The provisions of this act shall apply to all general and special elections hereafter held in this State, whether for general, town, municipal or other officers; and no person shall be considered, under any circumstances, as having a residence in any ward or election district or precinct, unless he shall have had a permanent abode therein for at least thirty days immediately preceding such election.

Ibid. § 9. **78.** LIQUOR.] No liquor, or other intoxicating drinks, shall be sold or given away, at retail, nor shall any bar-room, or place where liquor or intoxicating drinks are sold at retail, be open upon such election day; and it shall be the duty of the Sheriff, Constables, public officers and magistrates, to see that the provisions of this section are enforced; and any violation of its provisions shall be prosecuted and punished in the same manner, and to the same extent as the keeping of tippling-houses open upon Sunday, or the first day of the week, is now punished by law.

Laws 1865, 54. 15 *Feb.* § 1. **79.** BOARD OF REGISTRY — FIRST MEETING.] The persons authorized by law, or appointed pursuant to any town or city ordinance, to act as judges or inspectors of elections, in any town, city or ward, or other election district or precinct, in this State (except the moderator of the town meeting, in towns adopting township organization,) shall constitute a Board of Registry for their respective towns, cities, wards, districts or precincts, and shall meet on Tuesday, three weeks preceding any State, county, city or town election (except town meetings in towns adopting the township organization law), at nine o'clock, a. m., and proceed to make a list as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election, in the election district of which they are judges or inspectors; which list, when completed, shall constitute and be known as the Register of Electors of said election district; and said Board may continue their session, for the purpose of making said list, two days, if necessary: *Provided*, that at the last election in said district.

prior to said meeting, the number of votes cast in said district exceeded two hundred.

Ibid. § 2. **80.** Register of Electors.] Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged, according to their respective surnames, so as to show, in one column, the name at full length, and in another column, in cities, the residence, by the number of the dwelling, if there be a number, and the name of the street, or other location of the dwelling place of each person. It shall be the duty of said Board to enter in said lists the names of all persons, residing in their election district, whose names appear on the poll list kept in said district at the last preceding election; in cities, the number of the dwelling and name of the street or other location, if the same shall be known to, or can be ascertained by such Board; and, for this purpose, said Board are authorized to take from the office in which they are filed the poll lists made and filed by the judges or inspectors of such district, at the election held next prior to the making of such register. In making said list, the Board shall enter thereon, in addition to the names on the poll list, the names of all other persons who are well known to them to be electors in said district; and the names of all persons on the poll list who have died or removed from the district shall be omitted from said register.

[Four Copies Made.] The said Board shall complete, as far as practicable, the said register on the day of their meeting, aforesaid, and shall make four copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known to them. Within two days thereafter, the said original list, together with the list taken from the office, as aforesaid, shall be filed by said Board in the office of the Town Clerk of the town in which said election district may be; but in counties not adopting township organization, said list shall be filed with the judges or inspectors of election of the proper district, or if such election district is in a city, then it shall be filed in the office of the City Clerk of said city; and one copy of said list shall be kept by each of said judges or inspectors, and carefully preserved by him for their use on the day or days hereinafter mentioned, for the revision and correction of the same.

[One Copy Posted or Published.] One copy of said list shall, immediately after its completion, be posted in some conspicuous place, where the last preceding election in said district was held, and be accessible to any elector who may desire to examine the same or make copies thereof. Any person who shall take down, tear down or deface any list, so posted, shall be deemed guilty of misdemeanor, and shall be punished by a fine of fifty dollars, or by imprisonment in the county jail for the term of sixty days, or by both fine and imprisonment. The Board may, in their discretion, cause printed copies of said list to be posted up in such places as they may direct, and may cause the same to be published in some newspaper in the county in which such

district is situated, at an expense not exceeding one cent for each name on said list.

Ibid. § 3. **81.** In New Districts.] In case a new election district shall be formed by the organization of a new town, or by the division of any town or ward, or the incorporation of a city or town, the judges or inspectors of the election, in the new district thus formed, may make their registry of electors, on the day prescribed by this act, in such manner as a majority of them may direct, and for that purpose may make a list, or cause to be made, a certified copy of the poll list or lists of the districts in which such new district is situated, or they may dispense with such list or lists, and proceed to make a register of electors from the best means at their command. Said lists shall only embrace the names of such persons as are known to them to be electors in their district, and shall be posted up and copies thereof made, as prescribed in the preceding section, and shall be corrected in the same manner that other lists are corrected.

Ibid. § 4. **82.** Second Meeting of the Board.] The said Board shall again meet on Tuesday of the week preceding the said elections, in their respective election districts, at the place designated for holding the polls of the election, for the purpose of revising, correcting and completing said lists, and for this purpose, in cities, they shall meet at eight o'clock in the morning, and remain in session until nine o'clock, p. m., of that day and the day following; and in other districts they shall meet at nine o'clock in the morning, and remain in session until four o'clock, p. m., of that day.

Ibid. § 5. **83.** Corrections and Additions.] The proceedings of said Board shall be open, and all persons residing and entitled to vote in said district, shall be entitled to be heard by said Board in relation to corrections or additions to said register. One of the lists so kept by the judges or inspectors, as aforesaid, shall be used by them, on the day or days of making corrections or additions, for the purpose of completing the registry for such district.

Ibid. § 6. **84.** Proof to be Made.] It shall be the duty of said Board, at their meeting for revising and correcting said lists, to erase therefrom the name of any person inserted therein, who shall be proved by the oath of two legal voters of said district, to the satisfaction of said Board, to be non-residents of said district, or otherwise not entitled to vote, in said district, at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said Board and require his name to be recorded on said alphabetical list. Any person so requiring his name to be so entered on said lists, shall make the statement as to the street and number thereof, and where he resides, required by the provisions of this act of persons offering their votes at elections, and shall be subject to the same penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge, either by the judges or inspectors, or either of them, or by any other elector whose name appears on said alphabetical list; and the same

oaths may be administered by the judges or inspectors as now provided in case of persons offering to vote at an election, and in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or in case of challenge, if such person shall make oath that would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year.

Ibid. § 7. **85.** COMPLETED LISTS.] After said lists shall have been fully completed, the said Board shall, within three days thereafter, cause four copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district; one of which shall be filed in the office of the Town Clerk of towns, and in the office of City Clerks in cities; and one of which copies shall be delivered to each of said judges or inspectors. It shall be the duty of the said judges or inspectors, so receiving such lists, carefully to preserve the said lists for their use on election day, and to designate two of their number, at the opening of the polls, to check the name of every voter voting in such district whose name is on the register.

[AFFIDAVIT OF NON-REGISTERED VOTER.] No vote shall be received at any State, county, town or city election, in this State, except at town meetings in towns adopting the township organization law, if the name of the person offering to vote be not on the said register, made on the Tuesday or Wednesday preceding the election, unless the person offering to vote shall furnish to the judges of the election his affidavit, in writing, stating therein that he is an inhabitant of said district, and entitled to vote therein at such election, and prove, by the oath of a householder and registered voter of the district in which he offers his vote, that he knows such person to be an inhabitant of the district, and if in any city, giving the residence of such person within said district. The oath may be administered by one of the judges or inspectors of the election, at the poll where the vote shall be offered, or by any other person authorized to administer oaths, but no person shall be authorized to receive compensation for administering the oath. Said oath shall be preserved and filed in the office of the Town or City Clerk, or, in case there be no clerk, then said oath shall be filed with and preserved by the judges or inspectors of the proper district. Any person may [be] challenged, and the same oaths shall be put as now are, or hereafter may be, prescribed by law.

Ibid. § 8. **86.** DUTY OF CLERKS AT THE POLL.] The clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll list, kept by them in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinbefore required of the Board in making the registry; but such entry is not to be made by them if the registry contains correctly the name and residence of such voter; and in all cases said clerk shall enter in a column opposite the name of each person not registered, the words "not registered." In cities, every elector, at

the time of offering his vote, shall truly state the street in which he resides, and if the house, lodging or tenement in which he resides is numbered, the number thereof. And the clerks of the polls, in case the name of such elector is not registered, shall truly enter, in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides, and the number, in case the house, lodging or tenement is numbered; and if the same is not numbered, then the clerk shall enter "not numbered" in the column of the poll list for entering the number. In case of refusal to make the statement, as aforesaid, the vote of such an elector shall not be received. Any person who shall wilfully make any false statement in relation thereto, shall be deemed guilty of misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail in the county for a period of ten days, or by both such fine and imprisonment.

Ibid. § 9. **87.** LISTS AND REGISTER AFTER THE CANVASS.] After the canvass of the votes, one of said poll lists, and said register, so kept and checked, as aforesaid, shall be attached together, and shall, on the following day, be filed in the Town or City Clerk's office (as the case may be) in which said district may be, or in case there be no such clerk, then such poll lists and register shall be filed with and preserved by the judges or inspectors, to be nsed by the Board of Registry in making the list of voters at the next election; the other of said poll lists and registers, so kept and checked (except in town and city elections), shall be returned to the office of the County Clerk of the county in which said district may be, at the same time the returns of the election are made.

Ibid. § 10. **88.** CLERKS.] The said Board may, if necessary, on the day or days of the making and of the corrections of such lists, appoint a clerk to assist them in the discharge of their duties required by this act; and the same oath shall be taken by such clerk as is required by law of clerks of the polls or of elections.

Ibid. § 11. **89.**] The registers shall at all times be open to public inspection, at the office of the authorities in which they shall be deposited, without charge.

Ibid. § 12. **90.** COMPENSATION.] The members of the Board of Registration and their clerks shall each receive the same compensation as is now allowed by law for judges or inspectors of elections, for each day actually employed in the making and completing of the registry, to be paid to them at the time and in the manner in which they are paid their other fees.

Ibid. § 13. **91.**] The said Board shall have and exercise the same power in preserving order at their meetings, under this act, as are given to judges or inspectors of elections for preserving order on election days; and vacancies in said Board shall be filled in the same manner that vacancies are now filled at elections.

Ibid. § 14. **92.** DOUBLE REGISTRATION, ETC.] Any person who shall cause his name to be registered in more than one election district,

or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where said registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person, in any manner, in either of said acts, shall be punished, for each and every offense, by imprisonment in the State Prison for not less than one year. All intentional false swearing before said Board of Registration shall be deemed willful and corrupt perjury, and, on conviction, punished as such. If any member or officer of said Board shall wilfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished, for each and every offense, by imprisonment in the State Prison for not less than one year.

Ibid. § 18. **93.** Blanks.] The neeessary blanks for making the registers required by law, shall be prepared by the Seeretary of State, and transmitted, to the persons entitled to receive them, in the same manner that blank returns of elections are now transmitted.

Ibid. § 19. **94.**] Nothing eontained in this act shall be eonstrued in any manner to affect the provisions of any act that has been or may be passed at the present session of the General Assembly, to enable the qualified electors of this State, absent therefrom in the military service of the United States, in the army or navy thereof, to vote. — [*Act of* 16 *Feb.* 1865; *to enable the electors absent in the army or navy to vote; Laws* 1865, 59.

COLLECTION OF

TAXES AND ASSESSMENTS.

Laws 1854, 22. 1 *Mar.* § 1. *P.* 181. *S.* 201. **30.** Sales for Taxes.] In all cases, where taxes assessed on real estate by the corporate authorities of any city or town in this State, except in the city of Chicago, are not paid within the time fixed by the corporate authorities of any such city or town, it shall be lawful for the Collector of any such city or town, after giving notice of such application, by advertisement, at least thirty days previously to such application, in some newspaper published in said town or city, or if no newspaper should be published in said town or city, then by posting up printed or written notices of such intended application in at least four of the most public places in such town or city, to apply to the County Court of the county in which such delinquent real estate may be situated, and cause judgment to be entered against such delinquent real estate for the amount of taxes due and unpaid, and costs. And the said County Court shall proceed to hear and determine said application, and render judgment against said delinquent real estate, in the same manner, and said judgment shall have the like effect, as though said delinquent list had been returned to the County Court by the Sheriff or Collector of the county, in the collection of State and county taxes. And the County Court shall issue its precept or order to the Collector of said city or town, directing him to sell said real estate at public auction, to pay said delinquent taxes and costs: *Provided*, that the corporate authorities of such towns or cities shall have full power to adopt any regulation or proceeding they may deem necessary to carry this section into full effect: *And provided further*, that the corporate authorities of any town or city shall have power to fix the time of such application to the County Court, and the time of sale of said real estate.

Ibid. § 2. **31.** Assessments for Improvements. In all cases where assessments have heretofore been made, or where assessments may hereafter be made, by the corporate authorities of any town or city in this State, on any lot or real estate in such town or city, for the purpose of improving any street, sidewalk or alley, in front of such lot or real estate, or for any purpose whatever, either by ordinance, resolution or other proceeding, and such assessment is not paid within the time fixed by the order, resolution or ordinance, making such assessment, the corporate authorities of the several towns and cities in this State may apply to the County Court of the proper county for judgment against said lot or real estate, for the amount of

said assessment and costs; and the County Court, on such application being made, shall render judgment against such lot or real estate, for the amount of said assessment and costs, and shall issue its precept to the Sheriff of the proper county, commanding him to sell said lot or real estate, or so much thereof as may be necessary to pay said judgment and costs, in the same manner and with like effect as if sold upon execution at law; and the corporate authorities of the several towns and cities shall have full power to provide, by resolution or ordinance, for the making or levying of any such assessment, and they shall have full power to fix the time of payment, and the kind and time of notice of such assessment, and of the said application to the County Court; and the corporate authorities of any town or city shall have full and complete authority to adopt any rule, regulation or proceeding which they may deem necessary to carry the provisions of this section into full and complete effect.

CHAPTER 107.

Warrants of Cities and Towns.

R. S. § 1, 531. *P.* 1184. *S.* 205. **1.** Drawn for Amount Due.] In all cases in which any city or town in this State shall be indebted to any person or persons, on any account whatsoever, a warrant or voucher shall be drawn on the Treasurer of such city or town, for the whole amount found due to such person, by the tribunal having power to audit and allow claims against such city or town; and such tribunal shall not, in any case, draw more than one warrant or voucher for the amount allowed to one individual at one time.

Ibid. § 2. **2.**] No warrant or voucher, drawn on the Treasurer of any city or town, shall be drawn in favor of any other person than the one to whom the same may be due, and such warrant or voucher may be in the form now prescribed by law.

Ibid. § 3. **3.** To Whom Payable.] No Treasurer of any city or town in this State shall pay any warrant or voucher drawn on him, unless such warrant be presented for payment by the person in whose favor such warrant is drawn, or his assignee, or executor, or administrator.

Ibid. § 4. **4.**] Any officer or officers, of any town or city, that shall be guilty of violating the provisions of this chapter, shall be deemed guilty of a misdemeanor in office, and for every such violation shall be fined in a sum not exceeding five hundred dollars, to be recovered by indictment.

EVIDENCE.

[Extract from Chapter XL., entitled "Evidence and Depositions."—*Revised Statutes of* 1845.

SECTION 9. Copies of all papers, books or proceedings, or parts thereof, appertaining to transactions in their corporate capacity, of any town or city, heretofore incorporated under a general or special law of this State, certified to be true copies by the Clerk or keeper of the same, under the seal of said town or city, or under the private seal of said Clerk or keeper, if there be no public seal; the said Clerk or keeper also certifying that he is intrusted with the safe keeping of the originals, of which he gives certified copies, shall be received as *prima facie* evidence of the facts so certified in all the courts of this State, in any suit or proceeding pending before them.

POLICE MAGISTRATES.

AN ACT for the Better Government of Towns and Cities, and to amend the Charters thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there shall be established, in each of the cities in this State, inferior courts of civil and criminal jurisdiction, which shall be called Police Magistrates' Courts.

SEC. 2. That there shall be elected, in each of the incorporated towns and cities of this State, the population of which shall not exceed six thousand, an officer who shall be styled Police Magistrate of the city of ——, or town of ——, as the case may be; in each city of this State, having a population of over six thousand and not exceeding twelve thousand, there shall be elected two Police Magistrates; and in the cities of this State, whose population shall exceed twelve thousand, there shall be elected three Police Magistrates; said Magistrates shall be elected by the legal voters of such city or town, at the next regular election for city or town officers, and every four years thereafter.

SEC. 3. Said Police Magistrates, when elected, shall be commissioned and qualified in the same manner as justices of the peace are, and shall have, in their respective counties, the same jurisdiction, powers and emoluments as other justices of the peace in this State: and they shall also have jurisdiction in all cases arising under the ordinances of their respective towns and cities, and for any breaches thereof, where the amount claimed shall not exceed one hundred dollars, and in all cases arising under the ordinances of towns and cities, said

Magistrates shall be entitled to the same fees as justices of the peace now are for similar services, and to be collected in the same manner: *Provided*, the city or town authorities of any such town or city may make such additional allowance to such Police Magistrate as they may deem just and expedient, and in all cases arising under the ordinances of any such town or city, change of venue shall be allowed from one Police Magistrate to another, in cities where there is more than one such Magistrate, and, in all other towns and cities, from such Police Magistrate to the nearest justice of the peace, to be applied for in the same manner, and granted on the same conditions and in the same manner, as changes of venue from justices of the peace now are.

SEC. 4. The rules of practice and proceeding before such Police Magistrate shall conform to the practice and proceedings before justices of the peace, except in cases where such rules of practice and proceeding shall be changed or modified by the charter of such town or city, in which case such rules of practice and proceedings shall conform to the said charters.

SEC. 5. The City Marshals of such towns or cities, and all constables of the county in which said town or city may be situated, and all the town or Police Constables of such towns or cities respectively, shall be and are hereby authorized to execute all process and orders issued or made by said Police Magistrate in their respective counties.

SEC. 6. Appeals shall be allowed from the decision of Police Magistrates in all cases, to be applied for and taken in the same manner that appeals from justices of the peace may be taken.

SEC. 7. This act to take effect and be in force from and after its passage.

Approved February 27, 1854.

AN ACT to amend an Act entitled "An Act for the Better Government of Towns and Cities, and to amend the Charters thereof;" approved February 27, 1854.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all Police Magistrates, when elected, shall severally hold their offices for the term of four years, and until others are elected and qualified; and in case of death, resignation or removal from the town or city, of any of the said Police Magistrates, their offices shall be deemed thereby vacated, and such vacancies shall be filled by special elections for that purpose, notified and conducted in the same manner as is now provided by law for special elections for justices of the peace.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 15, 1855.

Rules of the City Council

OF THE

CITY OF CHAMPAIGN.

I.

The Mayor shall take the chair at the hour appointed for the Council to meet, and immediately call the members to order, and, at the instance of any two members present, compel the attendance of absent members. And, in cases of the non-attendance of the Mayor at any meeting, the Board of Aldermen shall appoint one of their own members Chairman, who shall preside at that meeting, and shall be Mayor *pro tem.*

II.

A majority of the members elect shall constitute a quorum for the transaction of business.

III.

Order of business.

First — The reading of the minutes of the preceding meeting, unless dispensed with, and their amendment or correction.

Second — Presentation of petitions (which shall always be in writing), claims, and reports of officers.

Third — Reports of standing committees.

Fourth — Reports of special committees.

Fifth — Communications to the Council.

Sixth — Unfinished business of the preceding meeting.

Seventh — New business.

IV.

All questions as to the priority of business shall be decided without debate.

V.

The Mayor shall preserve order and decorum, and shall decide all questions of order subject to an apeal to the Council.

VI.

While a question is being put, no member shall walk across or out of the Council room.

VII.

When two or more members shall address the Mayor, he shall decide who is first to speak.

VIII.

No member shall speak more than twice upon the same question, nor more than once upon the "previous question," without leave of the Council, nor more than once in any case, until every member choosing to speak shall have spoken.

IX.

While a member is speaking, no member shall entertain any private discourse, or pass between him and the Mayor.

X.

Every member, previous to his speaking, shall rise and address: "Mr. Mayor" — but shall not proceed until recognized and named by the Mayor.

XI.

No personalities or reflections, injurious to the feelings of any member or the harmony of the Council, shall be tolerated, and every person indulging in such personalities shall be called to order by the Mayor.

XII.

A member called to order shall immediately sit down, unless permitted by the Council to explain. If he appeals, the Council shall decide the point without debate. If no appeal is taken, the decision of the Mayor shall be conclusive.

XIII.

When a question is stated, every member present shall vote, unless excused by the Council, or unless directly interested in the question, in which case he shall not vote.

XIV.

No motion shall be entertained unless seconded; when seconded, it shall be stated by the Mayor, and, if any member requires it, reduced to writing.

XV.

When a motion or resolution has been stated by the Mayor, it shall be deemed to be in possession of the Council, but may be withdrawn at any time before a decision or amendment.

XVI.

If a question under consideration contains more than one distinct proposition, it may be divided upon the request of any member.

XVII.

When a blank is to be filled, and different sums or times proposed, the question shall first be put upon the largest sum or the longest time.

XVIII.

When a question is under debate, no motion shall be received, unless for the previous question, to postpone indefinitely, to adjourn to a certain day, to lay on the table, to amend, or to adjourn the Council.

XIX.

A motion for the "previous question," to lay the "question" on the table, or to commit it until decided, shall preclude all amendment or debate of the main question, and a motion to postpone a question indefinitely, or to adjourn it to a certain day, shall, until it is decided, preclude all amendment to the main question.

XX.

The "previous question" shall be put as follows: "Shall the main question be now put?"

XXI.

A motion to adjourn shall always be in order and decided without debate.

XXII.

In all cases, the name of a member offering a resolution or motion shall be entered with it upon the journal.

XXIII.

The yeas and nays shall be taken upon the passage of every ordinance, and entered upon the journal; and, if any member require it, upon any question before the Council; but shall not be taken unless called for previous to the taking of the vote.

XXIV.

No ordinance shall be repealed or passed, or contract or appropriation of money made, unless by a vote of a majority of the Board.

XXV.

All committees shall be appointed by the Mayor, unless otherwise directed by the Council, in which case they shall be appointed by ballot,

XXVI.

Committees, to whom any subject may be referred, shall report in writing, addressed to the City Council of the City of Champaign.

XXVII.

The City Clerk shall forward all papers to the appropriate committees and officers as early as the next day after the reference shall be made, by the City Marshal, who shall deliver them.

XXVIII.

The standing committees of the Council shall be as follows: On *Streets and Alleys*, *Public Buildings and Grounds*, to be composed of three members; on *Schools*, similarly constituted; on *Claims*, of three members; on *Fire and Water*, of three members; on *Police*, of three members; on *Markets*, of three members. Such committees shall be appointed by the Mayor, or presiding officer, or Mayor, *pro tem.*, annually, at the first stated meeting of the year. The first named of each committee shall be chairman.

XXIX.

No petition for the remission of a fine, under any ordinance of the City, shall be considered after reception, without a vote of two-thirds of the Council, or without said petition is signed by the Police Magistrate, or the jury imposing the fine, or the City Attorney.

XXX.

Every proposition involving the expenditure of money, shall be referred to an appropriate standing committee, and a report thereon made to the Council by said committee before the Council vote upon the expenditure.

XXXI.

The regular stated meeting of the City Council shall be held at the office of the Police Magistrate, on the second Saturday of each month, at seven o'clock, p. m., and two other regular stated meetings — one on the third Saturday of June, and the other on the fourth Saturday of July, A. D. 1860; and adjourned meetings may be held for the purpose of completing the unfinished business of the regular meetings at such times as may be appointed by the City Council. A meeting shall be held on the last Monday in March in each year, for the purpose of making settlements of the accounts of the city officers for the preceding year.

XXXII.

Special meetings may be called and held by notification to each member of the Council, served personally or left at his usual place of abode, stating the object and purpose of such meeting, and no business shall be transacted at such special meeting, except such as the meeting was called for and notification given thereof.

XXXIII.

The City Marshal, or some one appointed by him, at his own cost, shall attend all meetings of the Council and execute all their orders, and shall keep the Council room in order and prepare the same for the meetings of the Council, and extinguish the lights and fires, and close the same upon adjournment. He shall, when required by the Mayor, or any two Aldermen, deliver notice of any special meeting to each member of the Council, or leave the same at his usual residence.

XXXIV.

The foregoing rules, nor any of them, shall not be repealed or annulled, amended, abridged, modified or suspended, except by a vote of a majority of the Council.

ADOPTED June 9, A. D. 1860.

PART SECOND.

REVISED ORDINANCES

OF THE

CITY OF CHAMPAIGN.

AN ORDINANCE in Relation to the Revised Ordinances of the City.

SECTION 1. (July 12, 1871.)—§ 1. *Be it ordained by the City Council of the City of Champaign,* That the following shall constitute and be denominated the "Revised Ordinances of the City of Champaign," and shall be published in book form, properly arranged and divided into chapters, divisions and sections, with a table of contents, and properly indexed, and when published, with the certificate of the Mayor and City Clerk, under the corporate seal, of the authenticity of the same, shall be in force. and shall be received in all courts and places of judicial investigation without further proof.

All public or general ordinances, or parts thereof, not included herein, shall be repealed, so far as they may conflict with the provisions hereof; but no fine, forfeiture, penalty, right, action, suit, debt or other liability whatsoever, created, instigated, incurred or accrued, by or under the same, shall be released, discharged, annulled, repealed, or in anywise affected; but may be prosecuted, recovered or enjoyed, or any suit or other proceeding be commenced or completed thereon, as fully, and in the same manner in all respects, as if said ordinance, or part thereof, had remained in full force.

CHAPTER I.

ACCOUNTS.

AN ORDINANCE in Relation to Accounts.

I. *Accounts and Claims, Presented how.*
I. *To be Sworn to, when.*
I. *Certified by Officers, when.*
I. *Salaries Excepted.*

SECTION 1. (June 20, 1860)—§ 1. *Be it ordained by the City Council of the City of Champaign*, That no account or claim against the City of Champaign, except for the salaries of city officers, or for the payment of a special contract made by the City Council, or by some officer of the city, authorized by the City Council, or by ordinance to make the same, or for the payment of fee bills of officers of courts, shall be considered audited or allowed, or any warrant issued for the payment thereof, unless the person presenting the same, or some other credible person for him, shall make oath before the Mayor or City Clerk, upon the presentation or filing of such claim or account, "that it is true, just, correct and reasonable." And no claim or account against the city, upon any contract made or incurred by any officer, by authority of the City Council, or of any ordinance, shall be considered audited or allowed, or any warrant issued for the payment thereof, unless accompanied with the certificate of the officer by whom or under whose authority the same was incurred or contracted, stating that he has examined such account or claim, and verily believes that it is true, just, correct and reasonable, and in accordance with the contract.

CHAPTER II.

ADDITIONS.

AN ORDINANCE in Relation to Additions.

I. *Additions, how Made.*
I. *Platting of Lots and Blocks.*
I. *Must Conform to Original Town.*
II. *Penalty for Violation of.*
III. *Plat, City Council Must Approve of.*

SECTION 1. (June 20, 1860)—§ 1. *Be it ordained by the City Council of the City of Champaign*, That any addition which may be made to the city, or any lands adjoining or within the same, which may be laid

out into lots or blocks, shall be so laid out, surveyed and platted, as that the blocks or other subdivisions shall conform to the regular blocks of the original town, or with the regular blocks of the additions composing the original town, or adjoining such lands or additions proposed to be laid out, and that the streets and alleys shall correspond with and conform to the previously established streets and alleys with which they may connect, and continue the same.*

Ibid. SEC. 2. Any surveyor or other person who shall survey or plat any addition to the city, or any lands adjoining or within the same, into blocks or other subdivisions, with the streets, alleys or blocks laid out contrary to the preceding section, or any owner of any such lands or addition, or agent of such owner, causing the same to be done, shall be subject to a penalty of not less than one hundred dollars, and such owner or his agent shall be subject to an additional penalty of not less than fifty dollars for each lot sold by him.

Ibid. SEC. 3. When any person may wish to lay out or plat any addition of lands adjoining or within the city, in any other manner than is herein prescribed, he may apply to the City Council, designating the manner in which he proposes to lay out and plat such addition or lands, and upon the approval thereof by the City Council, such lands or addition may be laid out and platted, and shall not be deemed a violation hereof.

CHAPTER III.

COMBUSTIBLE MATERIAL.

AN ORDINANCE to Regulate the Storing, Moving and Sale of Combustibles.

I. & III. *To be Kept in One Place, Quantities of.*	II. *Moving of, to be in the Day Time.*
I. & II. *Combustible Fluids, Storing of.*	I, II & III. *Penalty for Violation of.*

SECTION 1. (Feb. 24, 1868)—§ 1. *Be it ordained by the City Council of the City of Champaign,* That no person or persons shall keep on hand, in or about any premises used or occupied by him, her or them, in any one place of business or otherwise, for sale or for any other purpose, any coal oil, kerosene, naphtha, burning fluid, camphene, or other combustible fluids, in quantities greater than four (4) barrels, within the limits of the City of Champaign, unless such premises shall be located at least one hundred feet distant from any other building or combustible substance. And for each and every violation of this section of this ordinance, the person or persons guilty shall be liable to a penalty of not less than ten (10) dollars.

*See Charter, Sec. 3, Art. 1, and Sec. 12 of Amendments thereto.

Ibid. Sec. 2. When any person or persons shall desire to keep on hand, within the limits of the City of Champaign, any coal oil, kerosene, naphtha, burning fluid, camphene, or other combustible fluids, in quantities greater than four barrels, the same shall be stored in some building standing at least one hundred feet distant from any other building or any combustible material or substance; and when necessary to move from said places of storage to places of business, or elsewhere, for sale or otherwise, it shall be done in the day time, or by daylight, and in no case shall such fluids above named, or fluids of like character, be removed from said place of storage in the night time, or by the light of lamps, lanterns, or other artificial lights. And any violation of this section shall subject the offender to a penalty of not less than ten dollars.

Gunpowder.

Section 1. (Aug. 15, 1866) — § 3. No person or persons shall keep on hand, in or about any premises used or occupied by him, her or them, in any one place of business, for sale or for any other purpose, a greater quantity of gunpowder than twenty-five (25) pounds, within the limits of the City of Champaign. And for each and every violation of this ordinance, the person or persons guilty of such violation shall be deemed guilty of a misdemeanor, and be liable to a penalty of not less than ten dollars.*

CHAPTER IV.

AN ORDINANCE to amend an Ordinance entitled "An Ordinance Concerning Misdemeanors."

I. *Dog Fighting Prohibited.*
I. *Penalty for Encouraging.*
II. *Fierce Dog not to Run at Large.*
II. *Penalty for Permitting.*
III. *Bitch not to Run at Large, when.*
IV. *All Dogs Prohibited from Running at Large, when.*
IV. *Penalty for Permitting.*
V. *Interfering with Officer, Penalty for.*
VI. *Pay of Officer in Carrying out Provisions hereof.*

Section 1. (Aug. 12, 1871.) — § 1. *Be it ordained by the City Council of the City of Champaign,* That when any person shall be present at any dog fight, when the animals meet accidentally, and shall, by any gesture or word of encouragement, urge the dogs to fight; or, if any person or persons shall, by agreement, set their dogs

*See ¶ 7, § 2, Art. X., of Charter.

to fighting, within the limits of said city; or encourage them after they have commenced fighting, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum not less than three nor more than fifty dollars, for each and every offense; and it is hereby made the duty of the City Marshal to suppress all such dog fights, and arrest and take before the Police Magistrate all persons engaged in urging the said dogs to fight, or encouraging them to fight, within the meaning and provisions of this section.

Ibid. SEC. 2. Any owner or keeper of a fierce or dangerous dog or bitch, who shall knowingly permit the same to run at large, to the danger, annoyance or damage of any person within the city, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than three dollars for the first offense, and not less than ten dollars for the second offense, and, in addition, the fees allowed the Marshal or Police Constable for killing and removing said dog or bitch; and, upon the second conviction, such dog or bitch shall be killed and removed from the city, by or under the direction of the City Marshal or Police Constable.

Ibid. SEC. 3. If any bitch be found running at large within the limits of the city, during the period of her heat, said bitch, unless immediately taken care of by her owner, shall be killed and removed from the city, by or under the direction of the City Marshal or Police Constable, and the owner thereof shall forfeit and pay, for the use of the city, a sum not less than three dollars, nor more than ten dollars, and the fees of such officer for killing and removing such bitch.

Ibid. SEC. 4. Whenever the Mayor, or acting Mayor, of the City of Champaign, shall be of the opinion that any danger of hydrophobia exists in said city, he shall issue his proclamation requiring all persons within the city to confine their dogs, if any they have, in some safe place, for such time as he shall designate; and all dogs found running at large, in said city, during the time designated, shall be killed and removed from the city, by or under the direction of the City Marshal or Police Constable, and the owners thereof shall be liable for the fees allowed for killing and removing, and a further penalty of not less than five or more than twenty dollars: *Provided*, the provisions of this section shall not apply to dogs of non-residents coming to the city with their owners, until after such owner or owners shall have been notified of such proclamation.

Ibid. SEC. 5. If any person or persons shall in any way prevent, or attempt to prevent, the City Marshal or Police Constable, or any person acting under the direction or orders of either the City Marshal or Police Constable, from killing any dog or dogs, bitch or bitches, as herein provided for, he, she or they shall forfeit and pay to the said city of Champaign a sum not less than five dollars, nor more than twenty-five dollars, for each and every offense.

Ibid. SEC. 6. The City Marshal, or Police Constable, shall be entitled to the sum of one dollar for each dog or bitch killed or

removed from the limits of the city, in accordance with the provisions of this ordinance, to be paid out of the city treasury, when the same cannot be collected from the owner of such dog or bitch, so killed and removed.*

CHAPTER V.

Elections.

AN ORDINANCE in Relation to Elections.

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*See ¶ 30, § 2, Art. V., of Charter.

SECTON 1. (June 23, 1860.)—§ 1. *Be it ordained by the City Council of the City of Champaign*, That a general election, for all elective city officers, shall be held in each ward of the city, on the first Monday of April, in each year, at such place as may be designated by the City Council. The City Clerk shall give at least three days' notice, by posting up written or printed notices thereof, in at least three of the most public places of the ward, or by publishing, for three days at least, an advertisement in the newspaper publishing the ordinances of the city, stating the time and place of holding the election and the officers to be elected. Special elections shall be held and conducted, and notices thereof given, in the same manner as general elections.

Ibid. SEC. 2. The City Council shall annually, at least eight days before the charter election, appoint by ballot, in each ward, three legal voters thereof, to act as judges of election for the year for which they are appointed, or during the pleasure of the City Council. The City Clerk shall, without delay, after such appointment, make out and deliver to the City Marshal a certificate of appointment to each of the persons appointed judges, under the corporate seal (if any), and the Marshal shall deliver such certificate to each person appointed. The City Council may, at the time of appointing the judges of election, appoint, from the legal voters of the ward, an alternate in the place of each of the persons appointed as judges, and such alternates shall serve as judges in case of neglect or refusal of any of the persons appointed as judges to act; and they shall be notified of their appointment as alternates in like manner as the judges.

Ibid. SEC. 3. If any judge of elections shall refuse to act, or shall not attend at the time fixed for the opening of the polls, the vacancy shall be filled by the alternate, or if no alternate shall attend, by a legal voter of the ward, to be chosen by the majority of judges or alternates in attendance. If no majority of the judges or alternates shall attend, a majority of the legal voters of the ward in attendance may choose the requisite number of judges, in like manner. But all the judges shall not, in any case, be chosen from the same political party, unless the persons who may be first so chosen or appointed shall neglect or refuse to serve.

Ibid. SEC. 4. The judges shall choose two legal voters of the ward to act as clerks of elections, who shall be clerks of elections during the pleasure of the judges.* But no person holding any office under the United States, the State, or the city, or candidate for any State or city office, shall be judge or clerk of any city election.

Ibid. SEC. 5. The judges and clerks shall respectively and severally, before opening the polls or receiving any votes, take and subscribe an oath or affirmation, which shall be affixed to the poll list, and may be in the following form, to wit:

*See People *vs.* Dickson, 17 Ill., 191.

"*We do solemnly swear (or affirm) that we will perform the duties of judges and clerks of this election according to law and the best of our abilities, and that we will studiously endeavor to prevent fraud, deceit and abuse in conducting this election.*

(Signed) A. B., C. D., E. F., *Judges.*

G. H., J. K., *Clerks.*

"*Sworn to and subscribed before me, at Champaign, this —— day of ——, A. D.* 186—. L. M., City Clerk or J. P."

If no officer authorized to administer oaths shall be present at the opening of the polls, any judge may administer the oath to the other judges and to the clerks, and one of the judges so sworn may administer the oath to him. The oath, when so administered, shall be certified by the judges administering the same. No returns shall be invalid or rejected for any defect in the manner of administering or certifying the oath.

Ibid. SEC. 6. If any judge or clerk shall, after entering upon his duties, by sickness or other disability, be unable to continue to act, another may be appointed in his place by the judges. In such case, the person substituted shall take and subscribe the oath as hereinbefore required, and the substitution and the time thereof shall be noted on the poll lists.

Ibid. SEC. 7. At all elections the polls shall be opened at eight o'clock a. m., or as soon thereafter as the judges and clerks shall be qualified, and shall be kept open until six o'clock p. m. When opened, proclamation shall be made, "that the polls are now open."

Ibid SEC. 18. A ballot box, with a lock and key, and an aperture in the top thereof not larger than will admit a single folded ballot, shall be provided for the use of the judges of each [ward] by the City Clerk. Before receiving any vote, the box shall be publicly opened and examined by the judges, to see that there is no ballot therein, and shall then be publicly closed and locked, and the key taken by one of the judges.

Ibid. SEC. 9. The City Clerk shall provide two poll lists for each ward, with columns ruled for the name and number of each voter. The poll lists shall be in the following form, to wit:

Poll list of voters in the —— ward of the City of Champaign, at the charter (or special) election held at ——, in said ward, on ——, the — day of ——, A. D. 186—, *as follows, to wit:*

No.	*Names of Voters.*	*No.*	*Names of Voters.*
1	A. B.,	24	W. X.,
2	C. D.,	25	Y. Z.,

The clerks of the election shall keep the poll lists, and shall write down the names and numbers of voters, in the order in which they vote, marking the letter "S" opposite to the names of all persons who may be challenged and sworn. They shall also keep, in a separate list, the names of all persons whose votes are rejected; and the ballots offered by such persons shall be kept by the judges, with the name of the person indorsed thereon.

Ibid. SEC. 10. The mode of voting shall be by ballot. The ballot shall consist of a single piece of white paper, on which shall be printed or written, or partly both, the name of each person voted for, with the name of the offices to which the voter wishes him elected, and without any marks or figures on the back thereof intended to designate one ballot from another.* The ballot shall be folded by the voter, and if received, placed in the ballot box by the judges; but any person may vote an open ballot if he chooses. The judges shall not open or examine any ballot offered, except so far as to ascertain if it is single or not; and if any ballot shall be discovered to be double, it shall be rejected, and the person offering the same shall not vote at the election. Nor shall the judges mark any ballot, except when the vote of the person offering it is rejected.

Ibid. SEC. 11. Every male citizen of the United States, of the age of twenty-one years, who is an inhabitant of the city, and is entitled to vote for State officers, and who has actually resided in the ward in which he proposes to vote for ten† days next preceding the election, shall be entitled to vote in said ward. All persons shall be deemed resident of the ward in which they are accustomed to lodge.

Ibid. SEC. 12. The judges, or any legal voter of the ward, shall have the right to challenge any vote. When any person offering to vote shall be challenged, and shall not be able to prove by competent evidence that he is legally entitled to vote, to the satisfaction of the judges and the person challenging, the judges shall cause to be administered to him the following oath:

‡ "*I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States (or was a resident of this State at the time of the adoption of the Constitution)* — [*April, first,* 1848] — *and have been a resident of this State one year, and a resident of this city ten days immediately preceding this election, and am now, and have been for the ten days last past, a resident of this ward, and have not voted at this election.*"

If any person challenged shall refuse to take the oath, his vote shall be rejected. If he shall take the oath his vote shall be received.§

SEC. 14. (June 23, 1860) — § 13. The clerks shall, from time to time, and at the closing of the polls, examine and compare their poll lists, and correct all errors therein, under the direction of the judges,

* See §§ 72 and 74 of Election Law, page 45 ante.
† See People *vs.* Killduff, 15 Ill., 500.
‡ See § 74 of Election Laws, page 45 ante.
§ See Spragins *vs.* Houghton, 2 Scam., 408.

until they shall correspond. When the polls are finally closed, the judges and clerks shall proceed to canvass the ballots, and shall first count all the ballots unopened, except so far as to ascertain whether a ballot be single or not; if two or more ballots shall be found folded together, they shall be rejected. If, after counting the ballots, and rejecting such as are double, the number of ballots received shall exceed the number of votes polled, the judges shall replace the ballots in the box, and, after shaking them up, draw out by lot and destroy the number of the excess.

SEC. 15. (June 23, 1860) — § 14. In canvassing the ballots, the clerk shall mark down the votes each candidate receives, and the office which he is voted for in the ballot, as the ballots are read by the judges. If any ballot shall contain a greater number of names of persons voted for, for any office, than there are persons to be elected to that office, it shall be void so far as that office is concerned. No ballot shall be rejected, if the judges can determine to their satisfaction the person intended to be voted for, and the office which the voter intended he should fill. If two or more ballots shall be found folded together, they shall all be rejected; or if any ballot shall have any mark or figure on the outside thereof, intended to distinguish one ballot from another, it shall be rejected. The ballots shall, when the count is finished, be placed in the ballot box, and sealed up and returned to the City Clerk with the returns. The list of rejected votes, and the rejected ballots, shall also be sealed up in a separate envelope and placed in the ballot box with the ballots.

SEC. 16. (June 23, 1860) — § 15. The clerks shall each make out returns of the election, by writing in full the name of each person voted for, the number of votes received by him, and the office for which he was voted for. The returns may be in the following form:

"*At an election held at* ———, *in the* —— *ward of the City of Champaign, on* —— *the* — *day of* ———, 186—, *the following named persons received the number of votes set opposite to their respective names, for the following described offices, to wit:*

A. B. *had one hundred votes for Mayor;*

C. D. *had ninety-nine votes for Mayor;*

(*and so on through the whole list of officers voted for.*)

Certified by us at Champaign, this — day of ———, 186—.

G. H., I. J., } *Clerks.* A. B., C. D., E. F., } *Judges.*

SEC. 17. (June 23, 1860) — § 16. Upon completing the returns, the judges shall inclose them in two envelopes, with a poll list in each, and shall seal and direct them to the "City Clerk of the City of Champaign," marked "election returns." The judges shall then choose one of their number, who shall deliver one of the returns, with the ballot box and ballots, to the City Clerk, within three days. The other shall be given to another of the judges, who shall keep it for at

least one year. If any judge of elections, chosen to deliver the returns, ballot box and ballots to the City Clerk, shall not deliver the same safely, with the seal unbroken, within three days after the election, he shall be subject to a penalty of not less than fifty dollars.

SEC. 18. (June 23, 1860)—§ 17. When all the returns shall be filed with the City Clerk, he shall, without delay, notify the Mayor, or any two Aldermen, thereof, who shall immediately call a meeting of the City Council. The City Clerk, in the presence of the City Council, shall open the several returns and canvass the same, and, when finished, the City Council shall declare the result,* and the Clerk shall enter the same at full upon the journals, naming each person voted for, the number of votes he received, for what office, and who is elected.

SEC. 19. (June 23, 1860)—§ 18. When two or more candidates shall have an equal number of votes for Mayor, the judges of election shall certify the same to the City Council, who shall proceed to determine the same by lot, in their presence, in the manner following: There shall be placed in a ballot box as many folded ballots as there are persons having an equal number of votes. On one of the ballots the name of the office for which the candidates were voted for shall be written, and the other ballot shall have some other word written upon it. The candidates shall then each draw one ballot, and the candidate drawing the ballot on which the name of the office is written shall be declared elected. And when two or more persons shall have an equal number of votes for Aldermen, the judges of election shall certify the same to the Mayor, who shall determine the same by lot. in the same manner as is above provided in case of a tie between two or more candidates for Mayor, and the candidate drawing the ballot on which the name of the office is written shall be declared elected. If any candidate shall be absent, or shall refuse to draw a ballot, the City Council or Mayor, as the case may be, shall appoint one of the Aldermen elected to draw for such candidate.

SEC. 20. (June 23, 1860)—§ 19. The City Clerk shall, within three days, after any person is declared elected to any office, deliver to the Marshal a written notice, directed to the person elected, notifying him of his election, naming the office to which he has been declared elected, and requesting him to qualify within twenty days after such notice. The Marshal shall, without delay, deliver the notice to the person to whom it is directed.

SEC. 21. (June 23, 1860)—§ 20. The City Marshal, and all other police officers, shall attend at all elections for the purpose of maintaining order and keeping the peace. The judges shall maintain order at the polls, and may command any police officer in attendance to arrest any person who shall disturb the peace by riotous or disorderly conduct. Any person who shall, at the polls, break or disturb the peace, or conduct himself in a riotous or disorderly manner, shall be subject to a penalty of not less than five dollars.

*See People vs. Killduff, 15 Ill., 500.

SEC. 22. (June 23, 1860)—§ 21. If any person shall illegally vote, or attempt to vote, at any election; or, being a legal voter, shall vote, or attempt to vote, a second time at the same election; or shall knowingly vote, or attempt to vote, more than one ballot at any election, he shall, in each case, be subject to a penalty of not less than twenty-five dollars.

SEC. 23. (June 23, 1860)—§ 22. Whoever shall aid, abet or encourage any person to vote, or attempt to vote, illegally at any election, shall be subject to a penalty of not less than fifty dollars.

SEC. 24. (June 23, 1860)—§ 23. Any judge of elections who shall refuse to receive the vote of any legal voter, who shall take, or offer to take, the oath herein required, unless there shall be evidence satisfactory to a majory of such judges that the vote of such person is clearly illegal, or who shall receive the vote of any person challenged who shall refuse to take the oath herein required, shall, in each case, be subject to a penalty of not less than twenty-five dollars.

SEC. 25. (June 23, 1860)—§ 24. Any judge or clerk of elections, who shall knowingly admit or receive any illegal vote, or shall knowingly permit any person to vote more than once at the same election, or to vote more than one ballot, or shall be guilty of fraud, corruption, partiality or manifest misbehavior in the discharge of the duties required of him, or shall willfully neglect or refuse to discharge or perform any duty herein required, shall, in each case, be subject to a penalty of not less than twenty-five dollars.

SEC. 26. (June 23, 1860)—§ 25. Whoever shall, at any election, by force seize, or attempt to seize and carry away, any ballot box or poll list, shall be subject to a penalty of not less than fifty dollars.

SEC. 27. (June 23, 1860)—§ 26. If, at any election, any ballot box shall be carried away or destroyed, so that the ballots therein cannot be counted, the election shall be void, and the City Council shall order a new election.

SEC. 28. (June 23, 1860)—§ 27. Any candidate for any elective office, who shall desire to contest the validity of any election, or the right of any person, declared elected, to hold the office to which he claims the right, shall, within ten days after the election, give notice of his intention, in writing, to the person whose election he intends to contest; or, if such person cannot be found, he shall leave a similar notice at his usual place of residence, stating in such notice the specific reasons for which his election will be contested. He shall also notify the City Clerk of his intention to contest such election, by filing a copy of such notice with him; and the City Clerk shall not, after the filing of the notice with him, issue any certificate of election to the person whose election is contested. The City Clerk shall report such notice to the next meeting of the City Council, and the City Council shall fix a time for the hearing and examining into such contest within thirty days, and at the time specified shall hear and examine all the testimony, under oath if required, which may be

offered by both parties touching the case, and shall determine who is entitled to the place contested by a vote, upon a call of the "yeas" and "nays," and the City Clerk shall enter the determination at full upon the journal.

SEC. 29. (June 23, 1860)—§ 28. If the election to the office of Mayor is contested, and the person whose election is contested is in possession of the office, the City Council shall choose one of their number as presiding officer until the contest shall be determined.

SEC. 30. (June 23, 1860)—§ 29. The Mayor, or presiding officer of the City Council, shall issue warrants (under the corporate seal, if any,) for all witnesses that may be required, and deliver the same to the City Marshal, who shall serve the same by reading, or by delivery of a copy thereof to the person summoned, and shall make return in what manner he has executed the same; and any person who shall neglect or refuse to appear, or to testify when so required and summoned, shall be subject to a penalty of not less than twenty-five dollars, and may be compelled to appear or to testify in any other legal manner. When any witness may be unable to attend, from sickness or other cause, or is beyond the jurisdiction of the City Council, his deposition, taken in accordance with the laws of the State, may be read in evidence.

CHAPTER VI.

FIRE DEPARTMENT.

AN ORDINANCE Organizing the Fire Department.

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*SECTION 1. (Jan. 19, 1865)—§ 1. *Be it ordained by the City Council of the City of Champaign*, That the Fire Department of the City of Champaign shall consist of the Mayor, the Aldermen, the City Marshal and Police Constables, a Chief Engineer, and such assistant engineers and members of organized fire companies as may, from time to time, be appointed and confirmed by the City Council.

*See Art. X., Charter, and § 9, Art. 4, of same.

Ibid. SEC. 2. The City Council shall, from time to time, procure the necessary hooks, ladders, buckets, engines, hose, and other fire apparatus for the use of the Fire Department, and shall provide convenient places for the safe keeping thereof; and such fire apparatus shall be kept in the best order for immediate use, by the officer, person or company having charge thereof, who, when any such apparatus may need repairs, shall, without delay, notify the Mayor thereof, and he shall thereupon cause all necessary repairs to be made.*

Ibid. SEC. 3. The Mayor, or, in his absence, the Chairman of the Committee on Fire and Water, shall have and exercise a general supervision over the Fire Department, and shall report to the City Council quarterly, at their regular meetings in April, July, October and January, of each municipal year, or oftener if necessary, or required by the City Council, the condition of the hooks, ladders, buckets, engines, hose and other fire apparatus, which may belong to the Fire Department and of the buildings in which they may be kept, and shall recommend such additions, improvements or alterations as may be deemed expedient or necessary; he shall also examine into the condition of such fire company or companies as may belong to the Fire Department, and report whether their organization is efficiently preserved; he shall also, from time to time, report the names of such persons as may have been admitted members of any organized fire company, for confirmation by the City Council, the names of such officers or members of the Fire Department as have disobeyed orders, or neglected or refused to perform any duty required of them.

Ibid. SEC. 4. The Chief Engineer of the Fire Department, or, in his absence, the Assistant engineer who may first be in attendance at any fire, shall take the command, and all officers and members of the Fire Department, and all by-standers, shall observe and obey the orders and directions of the officer in command.

Ibid. SEC. 5. The City Marshal, and all other police officers of the city, shall be present at each fire without delay, and remain there during the continuance of such fire (unless required to leave in the performance of their official duties), and assist in extinguishing the fire and in preserving and protecting property, and shall perform general police duty. The Supervisor shall also attend each fire, and shall, as far as in his power, preserve and protect any planked street, alley or sidewalk from injury. If the Marshal, the Supervsior, or any police officer shall neglect to attend at any fire, except for good cause, or shall refuse or willfully neglect to perform any duty herein required of him, he shall be subject to a penalty of not less than five dollars.

Ibid. SEC. 6. The firemen may be divided into companies of engine-men, hosemen, hook-and-ladder-men and bucketmen. Each company may adopt such organization and choose such officers, subordinate to the ordinances of the city, as may be deemed best calculated efficiently to accomplish the objects and puposes contemplated, and

* See Charter, § 3, Art. 10, and § 6 of Amendments.

may be composed of not less than thirty, nor more than sixty, active members, or such other number as the City Council may, from time to time, prescribe. The several fire companies shall have charge and custody of such hooks, ladders, buckets, engines, or other fire apparatus, as may be delivered to them, and of the room or rooms in which the same may be kept; and shall cause all such fire apparatus to be kept and preserved in the best manner for immediate use.

Ibid. SEC. 7. Upon any alarm of fire, the different fire companies, under the command of their proper officers, shall repair to the place of the fire, with the appropriate fire apparatus, and there work and manage the same, under the direction of the officer in command, or, in his absence, place and manage the same in the most effectual manner, until the fire is extinguished. No fire company shall leave any fire, or shall remove their fire apparatus therefrom, without the order or permission of the officer commanding; and when the same is given, shall return such apparatus, in good order, to the proper place of deposit.

Ibid. SEC. 8. No person shall use any fire apparatus for any private purpose, nor shall, without authority, remove the same from the proper place of deposit thereof, under a penalty of not less than five dollars; no person, having charge of any fire apparatus, shall permit the same to be used for any private purpose, under a penalty of not less than five dollars, beside being personally liable for all damages that may occur thereby.

Ibid. SEC. 9. The active and working members of any fire company shall be exempt from serving upon any jury, and working upon the streets, alleys, roads or highways of the city, and from paying tax in lieu of such labor. Each company shall, from time to time, cause to be returned to the Mayor, to be reported by him to the City Council, the names of persons who have been admitted members of such company, and also the names of such persons as have been dismissed from or ceased to be members of any such company; and each company shall, on the first Monday of May, annually, cause to be returned to the Mayor, to be reported by him to the City Council, a correct list of all the active and working members then actually belonging to such company. The City Clerk shall keep a register of the names of the active and working members of any fire company; and the evidence, to entitle any member to the exemption herein named, shall be the Clerk's certificate, under the corporate seal, for the year for which the exemption is claimed, which certificate shall be issued free of cost to each person entitled to such exemption.*

Ibid. SEC. 10. The officer in command at any fire may direct the tearing down, removal or destruction, by any proper means, of any building, fence or erection, when he shall deem it necessary for the purpose of checking the progress of the fire.

Ibid. SEC. 11. The Mayor, or any Alderman, the Marshal, the Chief Engineer, or any Assistant Engineer, or the officer commanding

*See Charter, § 4, Art. X.

any fire company, may require all by-standers, and all male persons in the city, to aid in drawing or conveying any engine, hook and ladder carriage, or other fire apparatus, to any fire, or to aid in managing or working the same during any fire, or otherwise to assist in extinguishing the fire, or in removing, guarding or protecting property; and any person who shall neglect or refuse so to aid and assist, when so required, shall be subject to a penalty of not less than three dollars, unless such person shall be physically unable to comply with such requirement.

Ibid. SEC. 12. Whoever shall, at any fire, willfully hinder, delay, resist or obstruct any officer, fireman or other person, in the discharge of his duty, or shall neglect or refuse to obey and observe the lawful commands of any officer, or shall conduct himself in a riotous or disorderly manner, shall, in each case, be subject to a penalty of not less than five dollars.

Ibid. SEC. 13. The Mayor, or any Alderman, or other officer belonging to the Fire Department, may, and the Marshall and other police officers shall, during any fire, arrest any person stealing or trespassing upon any property, and any person suspected of so doing, and any person hindering, resisting or obstructing any officer or other person in the discharge of his duty, or neglecting or refusing to obey the lawful commands of any officer, or conducting himself in a riotous or tumultuous manner, and, if necessary, detain him or her in custody, or commit him or her so arrested for examination, until he or she can be brought before a competent court or magistrate.

Ibid. SEC. 14. The commanding officer may, during any fire, prescribe the limits, in the vicinity thereof, within which no person not residing therein, nor connected with the Fire Department, nor usefully employed in aiding in the extinguishment of the fire, or in protecting property, shall be permitted to come, under a penalty of not less than three dollars; and the Marshal, and all police and other officers shall aid in executing the requirements of this section. The City Marshal may, when necessary, with the concurrence of the Mayor or two Aldermen, appoint, as property guards, such number of known and reputable citizens of the city as may be necessary to the guarding, protecting and preserving of property at any fire, and the persons so appointed shall have and possess the same powers as police officers, during the time they shall so act; and the Marshal shall return a list of such persons to the City Council, and they shall be entitled to receive such reasonable compensations as the City Council may allow.

Ibid. SEC. 15. Whoever shall willfully, maliciously or negligently break, deface, or destroy, or otherwise injure any fire engine, or other fire apparatus belonging to the city, or to any fire company, shall be subject to a penalty of not less than twenty-five dollars, and, in addition thereto, the expenses which may be incurred in repairing injuries committed shall be added to the penalty and form a part thereof.

PRECAUTIONARY REGULATIONS.

Ibid. SEC. 16. All stove pipes shall be securely put up, so as not to be in danger of falling, and shall be separated, at least three inches, from any wood or other combustible materials, by a double circle of tin, zinc or sheet-iron, connected with like metal, with air holes through the connecting metal between the pipe and the wood. All stoves, put up or used without secure aprons or hearths, shall be placed upon a platform of brick, zinc, or other incombustible material, extending far enough around the same to prevent the fire from falling upon the floor, and if set within eighteen inches of the wood work of any wall, the same shall be protected with zinc or other incombustible covering, so as effectually to prevent taking fire from the stove. All chimneys or flues shall be built of brick or stone, well laid in mortar, and shall be constantly kept in good condition, so as to be safe and secure against fire. Whoever shall put up, erect or build any stove, stove pipe, chimney or flue, contrary to the requirements of this section, shall be subject to a penalty of not less than three dollars, and whoever shall use any such stove, stove pipe, chimney or flue, so put up or erected contrary to the requirements of this section, shall be subject to a penalty of not less than three dollars, and one dollar in addition thereto for each day the same may be so used, after notice, either verbally or in writing, by the Mayor, or any Alderman, or the City Marshal, or any Police Constable of said city, that such stove, stove pipe, chimney or flue, is put up, built or erected contrary to the provisions of the ordinances of said city.*

Ibid. SEC. 17. No person shall carry or use any lighted candle or lamp, or any fire in any part of any building or stable, where any hay, straw, or other like combustible materials are kept, without securing the same in a lantern or some secure casing, so as not to endanger the taking fire thereby, under a penalty of not less than three dollars.

Ibid SEC. 18. All mechanics or other persons, using or occupying shops, buildings, or places where shavings or other like combustible materials are made or accumulated, shall clear out and remove such combustible materials from the buildings, shops, places, and the premises adjacent or attached thereto, as often as may be necessary to prevent the dangerous accumulation thereof. The stove or stoves used in any such shop or building shall be set in a box or frame, extending at least six inches above the floor, and at least eight inches around and outside of the stove, and filled or lined with fire-proof material; all lighted candles or lamps, used in any such shops or buildings, shall be set in a candlestick or stand not liable to take fire, and all such lights shall be kept at a secure distance from any combustible material. No person shall leave any such light or fire burning in any such buildings in such manner or for such length of time that the same may be in danger of communicating the fire to any part of such shop or building, or such shavings or other like combustible

*See Charter, §§ 1 and 2, Art. X.

material. Whoever shall violate any of the provisions of this section shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 19. No person shall carry, from one place to another, any fire, or live or burning coals, without securing the same in such a manner as to prevent the coals or sparks from falling therefrom, and so as not to endanger any building or property thereby, under a penalty of not less than three dollars.

Ibid. SEC. 20. No person shall keep or depost any ashes in any building, or in any place within twenty feet of any building, shed or fence, or other combustible material, unless within a secure and covered metallic or earthenware, or other fire-proof vessel, or in a fire-proof ash-house, under a penalty of not less than three dollars; and all soap boilers, or other persons using ashes in manufacture in any wooden vessel or structure, shall keep them well dampened or saturated with water, under a penalty of not less than three dollars.*

Ibid. SEC. 21. No person shall set fire to or burn any shavings, straw or other material, in any open or public place in the city, except in the day time, nor then unless the condition of the wind and weather be such that such fire will not be likely to endanger or damage any building, or other property, nor within thirty feet of any building, under a penalty of not less than three dollars: *Provided*, that bonfires may be built, in the night time, at any safe and proper place within the city, by consent of the Mayor, any Alderman, or the City Marshal,

Ibid. SEC. 22. No person shall boil any pitch, rosin, tar, or other inflammable liquid or substance, ecxept within a building so secured as not to be endangered if such pitch, rosin, tar, or other combustible material, shall take fire, or in any open place, at least twenty feet distant from any building or property likely to be endangered or damaged thereby, under a penalty of not less than three dollars.

Ibid. SEC. 23. No person shall make, kindle or use any fire in any building, out-building, shed, or other structure, except within a secure fire-place, stone furnace or other fire-proof structure, made for that purpose; nor shall any person make, kindle or use any fire out of doors, within twenty feet of any building or other property likely to be endangered thereby, unless within a proper stone furnace or other secure structure, nor leave any such fire burning. Each person violating the provisions of this section shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 24. No person shall set fire to or burn out any chimney, flue or stove pipe, except in the day time, nor then when the wind or weather may be such as to endanger other buildings or property, and the person or persons occupying any building shall prevent and remove all dangerous accumulations of soot, under a penalty of not less than three dollars.

Ibid. SEC. 25. No person shall trail, strew or leave any shavings, or other like combustible materials, in, around or near any building or

* See Charter, ¶ 3, § 2, Art. X.

property, so as to endanger, or be likely to endanger or damage the same thereby, under a penalty of not less than three dollars.

Ibid. Sec. 26. The Mayor, the Aldermen, the City Marshal and Police Constables, shall be, *ex officio*, Fire Wardens, and they and the Chief Engineers and Assistant Engineers of the Fire Department shall have power and authority to enter all buildings and premises, to examine whether they are in a safe condition; and shall enforce, or cause to be enforced, all the provisions hereof, and shall prosecute, or cause to be prosecuted, all violations of the provisions hereof; the Chief Engineer, or one of the Assistant Engineers of the Fire Department, shall, whenever requested by the City Council or the Mayor, carefully examine any and all buildings within the city, and shall notify the owner or owners, occupant or occupants, thereof, to cause any chimney, flue, stove, stove pipe, furnace, ash-house, or other place in which fire may be used or kept, which may be deemed unsafe or dangerous, or any other cause from which immediate danger of fire may be apprehended, or which may be deemed unsafe or dangerous in promoting fires, to be without delay removed, abated or placed in a safe condition, and upon the neglect or refusal of any owner or occupant to comply with such notice, he shall be subject to a penalty of not less than three dollars, and the officer shall, without delay, cause such building or premises to be placed or put in a safe condition, and the necessary costs of so doing shall be collected of such owner or occupant, and recovered by suit, in the name of the city, before any court having jurisdiction.

CHAPTER VII.

Fire Limits.

AN ORDINANCE Establishing Fire Limits.

I. *Fire Limits, Boundaries Defined.*
II. *Frame Buildings Prohibited therein.*
III. *Roofing therein, of what Made.*
IV. *Wooden Buildings therein, Enlargement of and Removal within Prohibited.*
V. *Violation of Provisions hereof, Penalty for and Proceedings in.*
VI. *Wooden Building within, a a Nuisance when, and Abatement of, how.*
VII. *Repealing Clause.*

Section 1. (July 12, 1871.)—§ 1. *Be it ordained by the City Council of the City of Champaign*, That all that part of the City of Champaign included within the following boundaries: Commencing at the center of Hill street, at a point two hundred (200) feet west of

the west side of Neil street; thence south, on a line parallel with Neil street, to the center of University avenue; thence east, along the center of University avenue, to the main track of the Illinois Central Railroad Company; thence northerly, along said track, to a point two hundred (200) feet north of a line with the north side of Main street; thence west, on a line parallel with said Main street, to the center of Neil street; thence north, along the center of said Neil street, to the center of Hill street; thence west, along the center of said Hill street, to the place of beginning.

Ibid. SEC. 2. That hereafter no person or persons, or association of persons, or body corporate of any description whatsoever, shall build or erect, or cause to be built or erected, within the fire limits of the City of Champaign, as defined in section one of this ordinance, any wooden or frame store, shop, dwelling house, office, livery stable, or any other wooden or frame building, of what kind soever, to be used for the carrying on of any business, trade, profession or occupation, within said fire limits.

Ibid. SEC. 3. That the roofing of all buildings, hereafter to be erected within said fire limits, shall be made of incombustible material; and the use of shingles, boards, and of tarry or resinous material, for roofing such buildings, within said fire limits, is hereby absolutely prohibited.

Ibid. SEC. 4. No wooden building, or part thereof, within said fire limits, shall be enlarged or removed to any other place within said limits; nor shall any such building be removed from without into said fire limits.

Ibid. SEC. 5. That any person or persons, association of persons or corporation, who shall build or attempt to build, or cause or procure to be built, or aid or assist in building any such prohibited building, house or structure, within said fire limits, or who shall remove or enlarge, or cause to be removed or enlarged, or assist in removing or enlarging, any such prohibited building, in violation of this ordinance, shall be deemed guilty of a misdemeanor, and shall forfeit and pay to said city not less than twenty dollars, for each and every offense, and the owner or owners of such building shall be deemed guilty of a misdemeanor, and shall forfeit and pay a like sum for every forty-eight hours that he, she or they shall fail to remove the same from within said fire limits, after being notified by the Mayor or City Marshal so to do: *Provided*, that any such building in part destroyed by fire, if the damage thereby does not exceed fifty per cent. of the value thereof, may be repaired, said damages to be estimated and certified to under oath, and filed with the City Clerk, by three disinterested freeholders, residents of the city—one to be selected by the owner of such building, one by the City Council of said city, and the two selected to select a third.

Ibid. SEC. 6. Any wooden building or structure which may be erected, enlarged or removed, in violation of this ordinance, shall be deemed, and is hereby declared to be a nuisance, and it shall be th

duty of the Mayor, after giving ten days notice to the owner or builder thereof, to abate the same, and, by an order in writing, to require the City Marshal to remove the same to some suitable place, or to raze such building to the ground. The expense of the removal of such building shall be reported by the City Marshal for assessment, and may be collected off of the owner of such building or structure, before the Police Magistrate of said city, or other competent court, in the corporate name of the city.

Ibid. SEC. 7. All other ordinances, or parts thereof, establishing or concerning fire limits, now in force in said city, are hereby repealed.*

CHAPTER VIII.

GAMING AND COUNTERFEITING IMPLEMENTS.

AN ORDINANCE in Relation to Gaming and Counterfeiting Implements.

I. & II. *Gaming Implements Seized and Destroyed, how.*
II. *Marshal, Duty of.*
II. *Police Magistrate, Duty of.*

SECTION 1. (April 2, 1862.)—§ 1. *Be it ordained by the City Council of the City of Champaign,* That the Mayor, or any Police Magistrate, the Marshal, or any Police Constable or other police officer, shall seize or cause to be seized and brought before any Police Magistrate, any gaming table, implement, instrument or device, set up or used for the purpose of gaming therewith, or any implements, instruments or devices, used for the purpose of gaming, or for counterfeiting, lock picking, pocket picking, or for the commission of burglary, or any Mexican puzzle, or other implement or device used by cheats, vagrants and swindlers, and in the possession of any person without his being able to give a good account of the possession thereof; and all such instruments, implements or devices shall be destroyed by the order or warrant of any Police Magistrate, upon his being satisfied that they are used, or to be used, or likely to be used, for any unlawful purpose.

Ibid. SEC. 2. Any Police Magistrate, upon satisfactory information that any gaming table, implement, instrument or device, is set up or used for the purpose of gaming therewith, and concealed in any premises, or that any implements, instruments or devices, named in the preeding section, are concealed therein, shall issue to the Marshal, or other police officer, a warrant for searchng such premises, and seizing and bringing before, or reporting to him, any such implements, instruments or devices as may be found therein; and the officer, in the execution of such warrant, may enter such suspected premises, peaceably, or, after demand made and refusal to admit him, shall

* See Charter, § 1, Art. X.

seize all such unlawful tables, implements, instruments or devices, and the same shall be destroyed, by order or warrant of any Police Magistrate, as is required in the preceding section; and whoever shall hinder, delay, resist or obstruct any officer, in the execution of any duty herein required, or shall aid or abet the same, shall be subject to a penalty of not less than ten dollars.*

CHAPTER IX.

Horses and Other Animals.

AN ORDINANCE in Relation to Horses and Other Animals.

I. *Not to Run at Large, where.*
II. *Pound, how Provided.*
III. *Animals Sold, when and how.*
IV. *Marshal, Fees of.*
V. " *Duty of.*
V. *Animals Sold, Money Paid to Owners.*
VI. *Animals, Sale of, who may Bid.*
VII. *Marshal may Employ Assistants.*
VIII. *Breaking Open Pound, Penalty of.*
IX. *Driving away Animals, Penalty of.*
X. *Dangerous Animal at Large, Penalty of.*
XI. *Neglect of Marshal, Penalty of.*
XII. *Amends Secs.* 1 *&* 2, *above.*
XIII. *Cows not to Run at Large.*
XIV. *Fees, how Collected on Animals Named in Sec.* 13.

Section 1. (Sept. 22, 1860) — § 1. *Be it ordained by the City Council of the City of Champaign*, That no horse, mule, ass, sheep, goat, swine or goose, or any such animals, shall run at large in the inhabited part† of the city at any time, and the owner or keeper of any such animals, knowingly suffering or permitting them to run at large, shall be subject to a penalty of not less than three dollars.

Ibid. Sec. 2. The City Marshal and Police Constables shall take up all such animals found running at large in the inhabited parts‡ of the city, and confine them to some secure pen, pound, or other place, to be provided for that purpose by the Marshal; and the officer taking up or impounding any animals, shall provide, at his own cost, suitable and necessary sustenance for them, and the reasonable cost of providing such sustenance shall be paid to the officer before the animal shall be released by him.

Ibid. Sec. 3. Any animal taken up and impounded under the provisions hereof, may be sold at public sale, by the City Marshal, at any time after the expiration of three days from the time of being taken up. The City Marshal shall personally attend to the selling of all animals, and shall give three days' previous notice of the time and

* See Charter, ¶ 15, § 4, Art. V.
† See § 12, post.
‡ See § 12, post.

place of any such sale, by causing written or printed, or partly written and partly printed, advertisements to be posted up at the front of the office of the Police Magistrate, at the post office, and at some other public place in said city, describing such animals by their color and marks, or brands, if any, and if he shall not give such notice as is herein required, he shall be subject to a penalty of not less than five dollars.

Ibid. SEC. 4. The Marshal and Police Constable, or Constables, may charge and receive for their fees for taking up and impounding each horse, mule or ass, fifty cents; for each swine (other than sucking pigs), goat or sheep, twenty-five cents; and for each sucking pig or goose, five cents; and for selling each horse, mule or ass, fifty cents, for each swine (other than sucking pigs), goat or sheep, twenty-five cents, and for each sucking pig or goose, five cents; and for providing suitable sustenance for each horse, mule or ass, not exceeding forty cents; for each head of sheep, goats or swine (except sucking pigs), not exceeding fifteen cents; and for each goose, not exceeding five cents, for each twenty-four hours the same may be kept; but if any person shall apply and pay the officers' fees, at any time before sale of such animals, they shall be released by the officer.

Ibid. SEC. 5. An accurate account shall be kept by the Marshal of all animals sold by him, and all moneys received by him for the sale of such animals, after deducting therefrom and paying the fees and costs of impounding, sale and sustenance, and twenty-five cents for each animal sold (except geese and sucking pigs), as the pound fee of the officer entitled thereto, shall, without delay, be paid as a special deposit into the city treasury, and the Treasurer shall receipt for the same and keep a separate account therefor. If the owner of any animal, having been sold, shall apply to the Marshal and prove the ownership theteof to his satisfaction, before payment into the city treasury, he shall pay the balance due from the sale of such animal to such applicant, taking his receipt therefor; but if the owner of any animal sold shall apply to the Marshal, after the payment into the treasury, and prove the ownership thereof, to his satisfaction, then he shall certify the facts to the City Clerk, with the amount deposited in the city treasury, on account of such animal, and the Clerk may draw his warrant on the Treasurer, in favor of such claimant, for such amount as may be certified by the Marshal, payable out of such special deposit or fund, and he shall file and preserve the certificate of the Marshal.*

Ibid. SEC. 6. If at any sale of animals, under the provisions hereof, no person shall bid the whole amount of costs for taking up, keeping and selling such animals, the Marshal or any Police Constable may, for himself, bid thereon the amount of the costs and charges, and, no person bidding more, they may be struck off to him as in other cases.

Ibid. SEC. 7. The City Marshal and Police Constable, or

* See Charter, ¶ 30, § 4, Art. V.

Constables, in the execution of the powers and duties herein conferred and required, may, at their own cost and responsibility, employ all necessary assistants, and whoever shall hinder, delay, resist or obstruct any such officer, or his assistants, in the discharge of any of the duties herein required, or shall aid or abet the same, shall be subject to a penalty of not less than five dollars in each case.

Ibid. SEC. 8. Whoever shall break open any pound, pen, or other inclosure, in which animals may be confined or kept, under the requirements hereof, or shall directly or indirectly aid or abet the same, or the escape of any such animals, shall be subject to a penalty of not less than five dollars.

Ibid. SEC. 9. Whoever shall willfully drive or entice any animal from beyond the inhabited parts* of the city into the same, or shall aid or abet the same, or let any animal out of any inclosure in which it may be confined, or aid or abet in the letting out or escape thereof, in order to take up or impound the same, shall be subject to a penalty of not less than five dollars in each case.

Ibid. SEC. 10. Whoever shall knowingly suffer or permit any dangerous, unruly or mischievous animal, owned or kept by him, to go at large in the city, to the danger, annoyance or damage of any person within the city, shall be subject to a penalty of not less than five dollars for the first offense, and not less than ten dollars for each subsequent offense.

Ibid. SEC. 11. If the City Marshal, or any Police Constable, shall neglect or refuse to take up and impound any animal, known by him to be running at large, contrary to the ordinances of the city, he shall, in each case, be subject to a penalty of not less than five dollars for such neglect of duty.

SEC. 1. (June 29, 1861)—§ 12. That section first of "an ordinance in relation to horses and other animals," be so amended, by striking out, in the third line of second section, the words "inhabited part," and to insert in place thereof the words "incorporate limits." Also, that section second of the ordinance aforesaid be so amended, by striking out, in the third line of said section, the words "inhabited parts," and in place thereof to insert the words "incorporate limits." Also, that section nine of the ordinance aforesaid be so amended, by striking out, in the second and third lines of said section, the words "inhabited parts," and in place thereof to insert the words "incorporate limits."

SEC. 1. (May 22, 1869)—§ 13. That hereafter it shall not be lawful for any one residing within the limits of said city, and owning or having, in his or her possession, any cows, calves, heifers, or other horned cattle, to allow or permit said cattle to run at large, in or upon the streets, alleys or other public grounds belonging to said city, before six o'clock, a. m., and after eight o'clock, p. m.

SEC. 2. (June 14, 1869)—§ 14. The fees to be charged and collected by the Marshal, or the Police Constable, shall be the same as charged for impounding hogs, and all such fees so collected shall go into the treasury of said city.

* See § 12, post.

CHAPTER X.

Licenses.

AN ORDINANCE in Relation to Licenses.

I. & II. *Licenses, Application for.*
III. " *Time granted for.*
IV. " *Revocation of, when.*
V. " *not Transferable.*
VI. " *to be Registered.*
VII. " *Form of.*
VIII. *Marshal to Prosecute Parties Acting without.*
IX. *Auctioneer, License of.*
X. " *Tax for License of.*
XI. *Auctioneer to give Bond.*
XII. *Billiards and Ball Alleys, License of.*
XIII. *Same, Tax for License of.*
XIV. " *Minors not Permitted at.*
XV. *Exhibitions, etc, License of.*
XVI. *Lectures, Fairs for the City, no License for.*
XVII. *Exhibitions,. etc., Tax for License of.*
XVIII. *Exhibitions, Good Order at.*
XIX. *Riotous Conduct at, Penalty of.*
XX. *Peddlers, License of.*
XXI. " *Who are.*
XXII. " *Tax for License of.*
XXIII. *Peddlers not to enter Private Dwelling.*
XXIV. *Wagons and Drays, License of.*
XXV. *Same, Tax for License of.*
XXVI. *Same, of Private Persons Exempt.*
XXVII. *Same, no License of to Minors, etc.*
XXVII. *Same, shall give Bond.*
XXVIII. *Same, shall be Numbered.*
XXIX. *Same, Charges Fixed.*
XXX. *Same, Riotous Conduct, Penalty of.*
XXXI. *Same, shall not Refuse to Carry.*
XXXII. & XXXIII. *Same, Stands of.*
XXXIV. *Same, to Keep Copies of Sec. 28 hereof.*

Division I. — Licenses in General.

Section 1. (June 23, 1860) — § 1. *Be it ordained by the City Council of the City of Champaign*, That the Mayor, or Mayor *pro tem.*, shall receive applications for licenses, and grantthe same in all cases where it is not otherwise expressly provided, upon the terms and conditions specified by ordinance; but if he shall not feel authorized to grant any application for a license for any purpose, he may report such application to the next meeting of the City Council, for their action thereon.

Ibid. SEC. 2. Any person desiring a license, under the ordinances of the city, for any purpose, shall make a written application to the Mayor therefor, stating the purpose for which the same is desired, for what length of time, and specify the place where his business is to be carried on, and if required by ordinance to file bond before being licensed, he shall also name his proposed sureties on his bond in his application; if the Mayor shall grant such application, he shall indorse the same thereon, together with the amount taxed for the license; and upon the filing of the application so indorsed, with the City Clerk, and the payment of the sum specified, the City Clerk shall issue to such applicant a license for the purpose and time specified.

Ibid. SEC. 3. No license shall be granted for a longer period than one year, and all licenses shall be signed by the Mayor, or Mayor *pro tem.*, and countersigned by the City Clerk, under the corporate seal (if any). No license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed licensed until a license shall be duly issued to him. Each license shall be dated the day of the issuing thereof; but, if the applicant has been acting without a license, then it shall be dated from the time he so commenced acting.

Ibid. SEC. 4. All licenses granted shall be subject to all ordinances in relation to licenses, which may be in force at the time of the issuing thereof, or which may be subsequently passed by the City Council; or, if any person licensed shall violate any provision of any ordinance in relation to his license, he may be proceeded against for any fine or penalty imposed thereby, and his license may be revoked or forfeited, in the discretion of the City Council, or of the court or magistrate before whom any action may be brought for the recovery of any fine or penalty.

Ibid. SEC. 5. No license granted shall be assignable or transferable, nor shall any person be authorized to do business or act under such license but the person to whom it is granted, or any other place than the place specified therein, without the consent of the City Council, to be certified on such license by the City Clerk; nor shall any license authorize any person to act under it at more than one place at the same time, nor at any other time than is therein specified. Whoever shall violate any provision of this section shall be deemed to be acting without license, and shall be subject to the same penalty as is prescribed for acting without license.

Ibid. SEC. 6. The City Clerk shall keep a license register, in which he shall enter the name of each person licensed, for what purpose licensed, the place of business, the date of the license, the amount paid and the date of the expiration of the same. He shall pay into the city treasury, on the first Monday of each month, all moneys received by him on account of license; he may charge and receive a fee of fifty cents for each license issued by him, and a fee of fifty cents for certifying the consent of the City Council to the assignment, transfer, or change of place of business of any license.

Ibid. SEC. 7. Licenses may issue, as near as may be, in the following form, to-wit:

"A. B., ———, of the City of Champaign, to all whom these presents shall come, Greeting:

"Know ye, that C. D., having made application in due form (filed bond), paid into the city treasury —— dollars, and in all other respects complied with the ordinance of the city in this behalf, therefore I, A. B., Mayor of the City of Champaign, for and in behalf of the people of said city, do hereby authorize, empower and license the said C. D. (here set forth the business or purpose of the license), at ——— for ———, from ——. Nevertheless, this license is granted upon this express condition: that if the said C. D. shall observe and obey all ordinances of the city, which are or may be in force, regulating or relating to said business, then this license shall be valid for the period, otherwise it may be annulled, revoked or forfeited, at the option of the City Council, or in any other manner provided by ordinance.

{ SEAL } "In testimony whereof, I have hereunto set my hand, and caused the corporate seal of said city (if any) to be affixed, at the city of Champaign, this —— day of ———, A. D. 186—.

"A. B., Mayor.

"Countersigned and rgistered, E. F., City Clerk."

Ibid. SEC. 8. That the City Marshal shall enforce all ordinances in relation to licenses, and shall, from time to time, examine the license register, and prosecute all persons who may be acting without license; and he shall be entitled to a commission of one dollar for each license so collected by him, to be paid by the person to be licensed, and his receipt shall be good to the extent and purport thereof, but no person shall be considered as licensed until license shall be issued in due form, as required by ordinance.

DIVISION II. — AUCTIONEERS.*

Ibid. SEC. 9. No person shall pursue the business of an auctioneer, or sell goods or property at auction, except under legal process, without a license therefor, under a penalty of not less than five dollars for each sale made.

Ibid. SEC. 10. For a license to pursue the business of an auctioneer, or to sell goods or property at auction, there shall be taxed and collected fifteen dollars for six months, and thirty dollars for one year.

Ibid. SEC. 11. Before a license shall be issued to any person to pursue the business of an auctioneer, or to sell goods or property at auction, he shall file bond in the sum of one thousand dollars, with two or more sureties, to be approved by the Mayor or City Council, and conditioned for the prompt payment of all moneys, and the delivery of all goods, that may come into his hands, in his business, to the

* See State Constitution, § 1, Art IX. Also, People *vs.* Thurber, 13 Ill., 554; Sawyer *vs.* Alton, 3 Scam., 130.

person entitled to receive the same; and which bonds may be sued on, and in the name of the city, by any person damaged by a breach of its conditions.

DIVISION III.—BILLIARD ROOMS, BALL ALLEYS, ETC.

Ibid. SEC. 12. No person shall keep any billiard table, or bagatelle table, or a ball or pin alley, to be used or played upon by others, for hire or gain, without a license therefor, under a penalty of not less than five dollars for each person who may be permitted to play thereon for hire or gain.

Ibid. SEC. 13. There shall be taxed and collected for a license to keep billiards, for one year, twenty-five dollars for one table; for two tables, forty dollars, and fifteen dollars for every additional table. There shall be taxed and collected for a license to keep a pin, or ball alley, for one year, fifteen dollars for one alley; twenty-five dollars for two alleys, and ten dollars for every additional alley. Fifteen dollars per annum shall be taxed and collected for each bagatelle table.

Ibid. SEC. 14. No keeper of a billiard table, or ball or pin alley, shall suffer or permit any minor to frequent or loiter about the premises occupied by him, or to play or roll upon his table or alley, without the previous consent of the parent, master or guardian of such minor; nor shall sell or deliver any intoxicating liquors, contrary to the ordinances of the city; nor shall suffer or permit any riotous, noisy or disorderly conduct upon the premises occupied by him, to the disturbance or annoyance of the neighborhood, under a penalty of not less than fifteen dollars and a forfeiture of his license.

DIVISION IV. — EXHIBITIONS, SHOWS AND AMUSEMENTS.

Ibid. SEC. 15. No person shall give or exhibit any theatrical or other exhibition, show or amusement, where money is charged for admission thereto, without a license therefor, under a penalty of not less than double the amount herein assessed and taxed for such license.

Ibid. SEC. 16. For fairs, or lectures given before any society, or concerts, or other exhibitions or amusements, given exclusively for citizens of the city, no license shall be required; and where any exhibition or amusements, for which license is required, shall be given for any charitable or benevolent purpose, no license shall be charged.

Ibid. SEC. 17. For a license for the exhibition of any circus, menagerie, or other like exhibition, there shall be taxed and collected not less than five dollars for two exhibitions or less, and not less than three dollars for each exhibition thereafter, not including side shows, or other exhibitions traveling therewith, or attached thereto, which shall be taxed for a license not less than two dollars each. For a license for any other exhibition, show or amusements, there shall be taxed and collected not less than three dollars for any single exhibition, and not less than two dollars for each exhibition thereafter.

Ibid. SEC. 18. Any person giving or conducting any exhibition, show or amusement, shall preserve good order in and about the place

of his exhibition or amusement, and if necessary for that purpose, shall employ, at his own expense, a sufficient police force.

Ibid. SEC. 19. Any person who shall conduct himself in a riotous or disorderly manner, at any place of exhibition or amusement, shall be subject to a penalty of not less than three dollars; and if any person belonging to or connected with any such show or exhibition, shall conduct himself in a riotous or disorderly manner, or cause any disturbance or breach of the peace at the place of exhibition, the license of such show or exhibition may be revoked or forfeited, in the discretion of the Mayor or Police Magistrate, and no license shall at any time thereafter be granted for such exhibition, unless for good cause shown, with the consent of the City Council.

DIVISION V. — PEDDLERS.

Ibid. SEC. 20. No person shall hawk or peddle merchandise, or other articles of value, in the city, without a license therefor, under penalty of not less than five dollars.

Ibid. SEC. 21. All sales of goods or merchandise made by any person remaining transiently in the city, for the purpose of selling or disposing of the same by retail, or by persons traveling or going about from one place to another, with goods or merchandise, and selling and disposing of the same by retail, whether in any temporary place of business or otherwise, shall be deemed peddling under the provisions hereof.

Ibid. SEC. 22. For a license to hawk or peddle, there shall be taxed and collected not less than three dollars for two weeks or less, not less than five dollars for one month or less, and not less than three dollars for each month thereafter. No license shall be required for peddling or vending of [or] marketing vegetables, fruit, cakes, nuts, or other like refreshments.

Ibid. SEC. 23. No peddler shall enter any private dwelling in this city without being admitted into the same, or shall insist upon the showing or sale of his goods or wares to any person, after being told by such person that he or she does not wish to purchase the same, or shall otherwise vex or annoy any person, under a penalty of not less than three dollars, and the forfeiture of his license, in the discretion of the City Council, or the Police Magistrate, or other court before whom conviction may be had; and at no time thereafter shall he be licensed, unless, for good cause shown, the City Council shall remove his disability.

DIVISION VI. — WAGONS AND DRAYS.

SEC. 1. (June 15, 1861) — § 24. No person shall pursue the occupation of carrying any goods or property, for gain or hire, in any vehicle, from one place to another within the city, or shall keep, own or use any dray, wagon or other vehicle, for the purpose of carrying any goods or articles of property, for gain or hire, within the limits of the city, without a license therefor, under a penalty of not less than three dollars for each load or parcel so carried without a license.

SEC. 1. (June 15, 1861)—§ 25. For a license to pursue the business or occupation of carrying goods, or other property, for gain or hire, upon a dray, wagon or other like vehicle, within the city, there shall be taxed and collected four dollars for six months, and seven dollars for each year.

SEC. 26. (June 23, 1860)—§ 26. For wagons or other vehicles, kept or used by merchants, lumbermen or other persons, for the delivery, without charge, of articles or property sold by them, or for the carrying of their own property, or the accommodation of their own business, or for the hauling of earth or building material, or for hauling without and beyond the city, or by hotel keepers for the delivery, without charge, of the baggage of their guests, no license shall be required.

Ibid. SEC. 27. No wagon or dray license shall be issued to any minor or non-resident of the city. Before any wagon or dray license shall be issued to any person, he shall execute bond to the city in the sum of one hundred dollars, with one or more sureties, to be approved by the Mayor, or Mayor *pro tem.*, conditioned that he will promptly deliver all property entrusted to him, or to his servants, to be carried, and pay all damages caused by the negligence of himself or his servants in the carrying of any property. The bond may be sued on, in the name of the city, by any person damaged by a breach of its conditions.

Ibid. SEC. 28. The City Clerk shall write in the license, and indorse thereon, the number or other designation of the dray, or other vehicle, and register the same; and the person licensed shall cause such number or designation to be at all times conspicuously and legibly painted or affixed to the outside of the bed or shaft thereof, under a penalty of one dollar for each day such dray or other vehicle may be used without being numbered or designated, as is herein required.

SEC. 1. (July 11, 1864)—§ 29. Any drayman, or other person licensed, may charge and receive not exceeding fifty cents for each load carried from place to place within the city.

SEC. 30. (June 23, 1860)—§ 30. No drayman, or other person so licensed, or hack or omnibus driver, shall, at any road, station, or elsewhere, conduct himself in a riotous or disorderly manner, or use indecent, profane or abusive language towards any person, or otherwise vex or annoy any traveler or other person, or obstruct any sidewalk, street or alley crossing, street, or other public passage, under a penalty of not less than three dollars in each case.

Ibid. SEC. 31. No drayman, or other person so licensed under the provisions hereof, shall, when requested, unless actually employed at the time, refuse to carry any article or load, or shall charge any greater sum than is herein specified for the carriage of any load, under a penalty of three dollars in each case.

Ibid. SEC. 32. No owner or driver of any wagon, dray or other vehicle, shall make a permanent stand, or place of stopping, in front

of any premises, without the consent of the owner or occupant of the same, under a penalty of three dollars.

Ibid. Sec. 33. The City Marshal shall designate stands for licensed drays, or other vehicles, or for omnibuses or carriages belonging to any hotel, upon any street at or adjacent to the railroad depots or stations within the city, while waiting for the arrival or departure of passenger trains; and any person who shall occupy any other stand than the one allotted to him, while any passenger train may be standing at any depot or station, shall be subject to a penalty of three dollars.

Ibid. Sec. 34. Each person licensed under the provisions hereof, shall, at all times, keep a certified copy of the twenty-eighth section hereof, and shall produce the same for the inspection of any person employing him who shall demand the same, under a penalty of three dollars; and if any such person shall exhibit or produce, to any person employing him, a false copy thereof, he shall be subject to a penalty of ten dollars.

CHAPTER XI.

LIQUORS.

AN ORDINANCE Regulating the Sale of Intoxicating Liquors.

I. *Liquors, License for the Sale of.*
II. *License, Term & Price of.*
III. *License, Applicant to File Bond.*
IV. *Drunkenness and Gaming Prohibited.*
V. *Not to Sell on Sunday.*
VI. *Saloons Open and Close, when.*
VII. *City Time.*
VIII. *Minors not to be Employed, or Sold to.*
IX. *Saloon Keeper, Duty and Power of.*
X. *Same, when Notified not to Sell.*
XI. *Same, not to Permit Boisterous Conduct, etc.*
XII. *Making Disturbance, Penalty of.*
XIII. *Saloon Keeper, Violation of Secs. 5 and 6, Penalty of.*
XIV. *Marshal and City Officers, Duty of.*
XV. *Subterfuges and Evasions.*
XVI. *Saloon Keeper to Keep Copy of Ordinance Posted.*
XVII. *License, Application for.*
XVIII. " *to Whom Granted.*
XIX. *License, to be Issued when.*
XX. *Amends Sec. 19.*
XXI. *Bond to Pay Fines.*
XXII. *Terms for Granting License.*
XXIII. *Amends Sec. 22.*
XXIV. *City Attorney to Report Judgment.*
XXV. *No License Issue till Fines Paid.*
XXV. *Several Convictions, how Proceed.*
XXVI. *License, Mayor Refuse when.*
XXVII. *License for Manufacturing.*
XXVIII. *License, Granted Only to One Person.*
XXIX. *License, not Issued to Copartners.*
XXX. *Selling Outside City a Nuisance.*
XXXI. *Selling Outside City, Penalty of.*

SECTON 1. (May 22, 1871.)—§ 1. *Be it ordained by the City Council of the City of Champaign,* That no person shall, within the city, by himself, his servant or clerk, except for purposes purely medicinal, mechanical or sacramental, barter, sell, exchange or deliver, or otherwise dispose of, for money or gain, or anything of value, or any check or other thing representing, or intended to represent, any money, or other thing of value, any vinous, fermented, spirituous, mixed or malt, or other intoxicating liquor whatever, in a less quantity than one gallon, to be carried away at one time from the place of sale or delivery, nor allow the same to be drank on the premises, without a license therefor, under a penalty of not less than one hundred dollars for each offense; and any person furnishing evidence to convict shall be entitled to half the fine when said fine is collected.

SEC. 1. (April 9, 1870)—§ 2. Hereafter, licenses may be granted for the period of six months to such person or persons as may apply therefor, to retail liquors in quantities less than one gallon, upon such person or persons paying into the city treasury the sum of two hundred dollars, and entering into bond in the manner required by the third section of the ordinance to which this is an amendment. And said third section having been repealed by an ordinance, entitled "an ordinance regulating the sale of intoxicating liquors," passed April 13th, 1869, the same is hereby reordained and declared to be in full force and effect; and such person or persons, to whom licenses aforesaid may be granted, shall be governed in all matters by the ordinance now in force in relation to the sale of intoxicating liquors.

SEC. 3. (April 7, 1869)—§ 3. Before a license shall be issued to any person to retail liquors, under the provisions hereof, such person shall execute bond to the City of Champaign, in the sum of one thousand dollars, liquidated damages, signed by at least two freeholders of the city, each to the value of the penalty of the bond at least, as sureties, to be approved by the City Council, and conditioned that the person to whom such license is granted shall observe and obey all laws and ordinances now in force, or such as may hereafter be in force, regulating and governing retailers of liquors. Such bond shall be executed in the presence of the Mayor, and filed in the office of the Clerk, and any breach of its conditions shall work a forfeiture of the whole penalty thereof, the amount of which shall be recovered before any court having jurisdiction.

Ibid. SEC. 4. No retailer of liquors, licensed under the provisions hereof, shall, by himself, his servant or clerk, suffer or permit any person to drink to excess or drunkenness in his premises, nor shall suffer or permit any species of gaming in any part thereof, or in any place adjacent thereto, under his control, under a penalty of not less than twenty-five dollars in each case.

Ibid. SEC. 5. No retailer of liquors, licensed under the provisions hereof, shall, on Sunday, keep open, or suffer or permit to be kept open, any part of his place of business, nor shall on Sunday in any manner, sell or deliver any intoxicating or malt liquors or beverage whatever, or suffer or permit any such liquors or beverage to be used or drank at his place of business, or in any place adjacent thereto, under his control, nor shall, on Sunday, admit any person into his place of business not belonging thereto or connected therewith, under a penalty of not less than twenty-five dollars in each case.

SEC. 2. (Dec. 10, 1870)—§ 6. Hereafter, all drinking and billiard saloons, and ball alleys, within this city, shall be closed, for the night, promptly at eleven o'clock, p. m., and remain closed until four o'clock, a. m. No keeper of any drinking or billiard saloon, or ball alley, shall, by themselves, their agents or clerks, suffer or permit his, her or their place of business to be open at any time during the hours above specified, nor shall suffer or permit, within said time, any intoxicating or malt liquors to be sold, given away or drank within his, her

or their place of business, as aforesaid; nor any games upon billiard tables or ball alleys to be played; nor shall suffer or permit, within the hours aforesaid, any person or persons to remain, stop or stay in his, her or their place of business, who are not connected with, or belong to the same, under a penalty of not less than ten dollars for each offense.

SEC. 3. (Dec. 10, 1870)—§ 7. The time of the Illinois Central Railroad Company, in this city, is hereby declared to be the time of the City of Champaign, for the purposes of the city government, and the City Magistrates, Marshal, and all police officers are hereby required to see that their time conforms to the same, and the time for closing and opening drinking and billiard saloons, and ball alleys, as aforesaid, will be governed accordingly.

SEC. 7. (April 7, 1869)—§ 8. No retailer of liquors, licensed under the provisions hereof, shall employ any minor as a servant or clerk in his business; nor shall, in any manner, sell, give or deliver any intoxicating or malt liquor, or beverage, whatever, to any minor, or intoxicated person; nor shall harbor or entice, or suffer any minor or intoxicated person to remain or loiter in or about his place of business, under a penalty of not less than ten dollars in each case.

SEC. 8. (April 7, 1869)—§ 9. Each retailer of liquors, licensed under the provisions hereof, shall, without delay, notify any minor, or intoxicated person, who may frequent or loiter in or about his place of business, to leave and quit the same: and if he shall neglect or refuse to do so, such retailer may arrest him and take him before any Police Magistrate, or may deliver him into the custody of the Marshal, or any Police Constable, to be by him retained in custody until he can be brought before a competent court or magistrate; or he may make complaint before any Police Magistrate, and cause such minor or intoxicated person to be arrested and prosecuted; and no minor or intoxicated person shall frequent or loiter in or about any grocery, or other place where intoxicating or malt liquors are sold by retail, after being notified or requested by the owner or keeper thereof, or any police officer, to leave or quit the same, under a penalty of not less than five dollars.

SEC. 9. (April 7, 1869)—§ 10. No retailer of liquors, licensed under the provisions hereof, nor any other person, shall sell, give or deliver any intoxicating or malt liquors or beverage, whatever, to any habitual drunkard or habitually intoxicated person, after being notified by the wife, parent, or other relative or acquaintance of such person, that he is an habitual drunkard, or habitually intoxicated person, and reqesting such retailer or other person not to sell, give or deliver him any such liquors or beverage, under a penalty of not less than twenty-five dollars.

SEC. 10. (April 7, 1869)—§ 11. No retailer of liquors, licensed under the provisions hereof, shall suffer any loud or boisterous talking, or obscene or profane language, quarreling, singing, fighting, or other disturbance, in or about his place of business, or in any place adjacent

thereto, under his control, to the annoyance or disturbance of persons passing along any street or public place in the vicinity thereof, or to the disturbance of the peace and quiet of persons doing business or residing in the neighborhood thereof, under a penalty of not less than ten dollars for each offense.

SEC. 11. (April 7, 1869)—§ 12. Whoever shall make any such noise or disturbance, mentioned in the preceding section, or shall speak any profane, indecent, insulting or obscene language, in any public place, loud enough to be overheard by persons passing, and in the presence, or while any female may be near enough to be likely to hear the same, shall be subject to a penalty of not less than five dollars in each case.

SEC. 15. (April 7, 1869)—§ 13. *If any retailer of liquors shall violate any of the provisions of the fifth and sixth sections hereof, the City Marshal, or any Police Constable, may enter and close his place of business, and keep it closed until the next morning, and may take possession of the keys or fastenings thereof, and shall have power to turn out all persons found therein not belonging to the premises; and all offenders shall be prosecuted before any Police Magistrate, or other competent court, and shall be subject to the penalties prescribed in the preceding sections hereof.

SEC. 16. (April 7, 1869)—§ 14. The City Marshal and Police Constable, or Constables, shall see that the provisions hereof are strictly observed and enforced, and shall prosecute all violations of the same; and in their default, any person may make the proper complaint of such violation, before the Police Magistrate, and have the offender prosecuted as in other cases; and it shall be the duty of the City Marshal, and all Police Constables, at all times, to arrest or cause to be arrested and prosecuted without delay, all persons who may be found intoxicated or riotous in any public place.

SEC. 17. (April 7, 1869)—§ 15. All subterfuges and evasions, for the purpose of avoiding the requirements or provisions hereof, are hereby declared to be within the meaning and intent, and shall be deemed violations thereof.

SEC. 18. (April 7, 1869)—§ 16. Every retailer of liquors, licensed under the provisions of the second and third sections hereof, shall keep a copy of this ordinance posted up in some conspicuous place in his place of business.

SEC. 19. (April 7, 1869)—§ 17. Any person desiring a license, under the ordinances of the city, to retail intoxicating liquors in less quantities than one gallon, shall make a written application therefor to the Mayor, stating the length of time for which he desires such license, the place where his business is to be carried on, and the names of the persons who will become his securities on the bond required by ordinance.

SEC. 20. (April 7, 1869)—§ 18. When any such application is made, it shall be the duty of the Mayor, or Mayor *pro tem.*, to receive

* Secs. 12, 13 and 14, repealed April 13, 1869.

and grant the same, upon the terms and conditions specified by ordinance, unless the applicant, or applicants, or one or more of the applicants, shall have been convicted of some crime which, by the laws of this State, would render him, her or them infamous, or shall have been twice convicted of violating the ordinances of said city concerning, regulating or governing retailers of liquors; or unless such applicant, or applicants, or some one or more of them, shall have failed or refused, after being once convicted of such violation, to pay the fine or penalty, and the costs, or some part thereof, assessed therefor. If the Mayor, or Mayor *pro tem.*, grant such application, he shall indorse the grant thereof on such application, together with the amount taxed for such license.

SEC. 21. (April 7, 1869) — § 19. Upon the filing of the application so indorsed, as aforesaid, in the City Clerk's office, together with a bond in such sum, on such conditions, with such securities, and approved as hereinafter provided, and paying to the City Treasurer the sum required for such license, a license to retail intoxicating liquors in any quantity less than one gallon, at the place named in such application, for the term granted, shall be issued to such applicant or applicants, in the general form and manner prescribed by the ordinances of said city for other licenses.

*SEC. 2. (April 13, 1869) — § 20. That section twenty-one of said ordinance be so amended as to be as follows: "Upon the filing of the application, so indorsed as aforesaid, in the City Clerk's office, and paying to the City Treasurer the sum of four hundred dollars for such license, a license to retail intoxicating liquors, in any quantity less than one gallon, at the place named in such application, for the term granted, shall be issued to such applicant, in the general form and manner prescribed by the ordinances of said city for other license.

SEC. 22. (April 7, 1869) — § 21. Before a license shall be issued to any person or persons, to retail liquors under the provisions hereof, such person or persons shall execute a bond to the City of Champaign, in the sum of one hundred dollars, with good securities, who shall be residents of the county of Champaign, in the State of Illinois, to be approved by the Mayor and City Clerk, conditioned that the person or persons applying for such license, shall promptly pay and satisfy any and all fines or penalties which may be adjudged against him, her or them, for any violation, during the term of such license, or of any of the ordinances of said city concerning, regulating or governing retailers of liquors.

SEC. 23. (April 7, 1869) — § 22. License, under the provisions hereof, shall be granted or issued for a less term than one year, and the person or persons to whom it is granted shall be subject to all the provisions of the charter, and all the ordinances of the city which now are, or may hereafter be, duly and legally passed, and published, or otherwise enforced in said city.

* See § 2, of this ordinance.

SEC. 3. (April 13, 1869)—§ 23. That section twenty-three of said ordinance be amended by adding the word "*no*," before the word "license," in the first line of said section.

SEC. 24. (April 7, 1869)—§ 24. Whenever any persons, licensed under this, or any other ordinance of said city, to retail liquors, shall be, by any court of competent jurisdiction, adjudged to pay any fine, penalty or costs, for violating the ordinances of said city regulating, governing or concerning retailers of liquors, it shall be the duty of the City Attorney, City Marshal, Police Constable, or other officer of the city, making complaint in, or prosecuting the cause wherein such judgment was rendered, and each and all such officers immediately to report such judgment to the Mayor, and if any such officer shall fail or refuse to make such report, within two days after the rendition of such judgment, he shall be subject to a penalty of not less than three dollars.

SEC. 25. Whenever any person, licensed to retail liquors as aforesaid, shall be convicted of violating any ordinance of the city concerning, regulating or governing retailers of liquors, it shall be the duty of the Mayor not to grant such persons any other or further license to retail intoxicating liquors in said city, until the fine or penalty adjudged against such person for such violation shall have been fully paid and satisfied, together with all costs therein, or the case wherein such fine or penalty was adjudged shall have been duly appealed; and whenever any person, licensed to retail liquors as aforesaid, shall have been twice convicted before any court of competent jurisdiction, of violating any such ordinance of the city, it shall be in the discretion of the Mayor, to refuse such persons so convicted any other or further license to retail intoxicating liquors in said city; and whenever any person so licensed, as aforesaid, shall have been three times convicted, before any such court, of violating any such ordinance, it shall be the duty of the Mayor forever thereafter to refuse to grant such person, so convicted, any license to sell intoxicating liquors in said city: *Provided, however*, That if any of the cases, wherein the person licensed as aforesaid shall have been convicted as aforesaid, shall be appealed, and upon the hearing of such cause on appeal, such person shall be found not to be guilty of the violation or violations for which he was convicted in the court below; or if the fine or penalty adjudged for such violation, whereof he may be convicted, shall be remitted by the City Council, then such conviction shall not be considered, from and after the reversal thereof, or the remission of the fine or penalty assessed therefor, as a conviction within the meaning of this section, so as to bar such person of his right to such license.

Ibid. SEC. 26. Whenever any person shall make application to the Mayor for a license to retail intoxicating liquors, and the Mayor, or Mayor *pro tem.*, shall be satisfied that such application is made for the benefit of any other person, who is not entitled to a license under the provisions of this ordinance, or that any such person, not entitled to a license, is to be in any manner interested in the business to be

carried on under such license, or in any manner employed therein, or if he shall be satisfied that such application is made for the purpose of avoiding, in any manner, the provisions of the tenth section of this ordinance, he shall refuse to grant such license. And if any person shall make such application for the benefit of any person not entitled to a license under the provisions hereof, or if any person not entitled to such license shall be in any manner interested in the business to be carried on under such license, or shall be employed as an agent, clerk or servant in such business, then any license which may be granted on such application shall be absolutely null and void.

SEC. 28. (April 7, 1869)—§ 27. No person or persons, or body corporate, shall, within the limits of said city, make or manufacture any ale, beer, or other malt or fermented liquors, or any intoxicating liquors, under a penalty of not less than fifty, nor more than one hundred dollars for each day such making or manufacturing shall be carried on, unless a license from the City Council, as in other cases, shall first be obtained for that purpose: *Provided*, Such license shall be granted for one year, and the party applying therefor shall pay into the city treasury the sum of one hundred dollars.

SEC. 4. (April 13, 1869)—§ 28. Any single license, provided for in this act, or in the act to which this is an amendment, shall be granted or issued to only one applicant, or person, and any license granted or issued hereunder to two or more persons, is hereby declared null and void.

SEC. 5. (April 13, 1869)—§ 29. No license granted under the provisions hereof, shall in anywise inure to the benefit of any person or persons, as copartners or joint owners, in keeping or maintaining any saloon or place for the sale of liquors, ale or beer (hotels and taverns excepted), unless each of such copartners or joint owners shall have paid for and procured such license in his own name, and for his own benefit, except such copartnerships as now exist.

SEC. 1. (June 29, 1868)—§ 30. The sale or giving away of any intoxicating liquors, whisky, brandy, wine, gin, ale, lager beer, or any alcoholic drink, by any person or persons whosoever, at any place outside of the city limits of the City of Champaign, and within one-half mile thereof, be, and the same is hereby declared a nuisance.

SEC. 2. (June 29, 1868)—§ 31. Any person who, by himself, his servant, agent or clerk, shall sell or give away any of the articles named in the foregoing section, in violation of said section, after service of a copy of this ordinance by the City Marshal, and its due publication, as required by law, shall be fined for each and every offense, not less than fifty, nor more than one hundred dollars, to be recovered by suit, as in other cases of the violation of the ordinances of said city.

CHAPTER XII.

LIGHTS AND LAMP DISTRICTS.

AN ORDINANCE to Provide for Lighting the Streets, and Creating Lamp Districts.

I. *Lamp Dist. No.* 1, *Bounded.*
II. *New Lamp Districts, how made.*
III. *Lighting Streets, City Council to Proceed how.*
IV. *Committee, Report of.*
V. *Lighting Streets, Estimates of Cost of, made how.*
VI. *Lighting Streets, Tax Assessed for.*
VII. *Lamp Posts, Estimated Cost of, how made.*
VIII. *Lamp Posts, Tax Assessed for.*
IX. *Light and Posts, Tax Assessed for, Generally.*

SECTON 1. (Aug. 26, 1870.)—§ 1. *Be it ordained by the City Council of the City of Champaign*, That a lamp district is hereby created, to consist of and to include all that territory lying within the corporate limits of the City of Champaign, and, until further ordered, to be known and called Lamp District No. One (1) of said city.

Ibid. SEC. 2. Whenever the City Council may determine to alter, change, divide or abolish said lamp district, they shall pass a resolution or ordinance, setting out clearly the alteration or change proposed; and if new lamp districts shall be made of any part of said district (No. 1), said resolution or ordinance shall describe the new district, and also the old one, after said new district has been taken from it, which resolution or ordinance shall be entered in full upon the records of the City Council.

Ibid. SEC. 3. The City Council shall take charge of, and exercise exclusive control of the laying of gas-pipes in the streets, of erecting lamp posts, and of lighting the streets within any lamp district that is herein or may hereafter be created. Whenever it shall be made to appear to the City Council, by petition or otherwise, that it is necessary to light a street or streets, or any part of a street or streets, in any part of said lamp district, or districts, that may hereafter be created, the City Council may, by an order to be entered upon the records, direct the committee properly having charge of the matter (or a special committee, if desirous,) to examine into the matter, ascertain how many lamp posts (if any) will be required, the place where needed, and as nearly as possible the cost of providing and erecting the same, and make report at the next meeting of the Council.

Ibid. SEC. 4. When the committee shall have made their report, as required in the foregoing section, and recommend that additional lights be provided in any lamp district or districts, the Council may, by a resolution or ordinance, to be entered on the records, direct that lamp posts and lamps be provided and erected upon the place or places, and within the district or districts indicated and named by said committee, and under the direction and supervision of the Street Super-

visor, gas-pipes to be laid to connect with the same. Or may take such other action as may be deemed best: *Provided*, That should the committee report against furnishing additional light in any part of a district or districts, no further action shall be had in relation thereto at that meeting of the Board.

Ibid. SEC. 5. Upon the passage of this ordinance, or as soon thereafter as practicable, the City Council shall estimate, or cause to be estimated, the cost of lighting the streets of the City of Champaign, within said Lamp District No. One, for the present fiscal year, and at the commencement of each fiscal year thereafter they shall cause such estimates to be made for said Lamp District No. One, and such other lamp districts as may hereafter be created — the estimates to be made for each district separately, and all the cost of lighting the streets within said Lamp District No. One, incurred by the City of Champaign, to the passage of this ordinance, shall be included in the estimate first to be made.

Ibid. SEC. 6. When the estimate, as required by the foregoing section, shall have been made, the City Council shall levy and assess upon all the property within said Lamp District No. One, taxable for general purposes, a tax equal to one-half of the estimated cost of lighting the streets as aforesaid within said district, and each year thereafter shall levy and assess such tax upon the said property within the said Lamp District No. One (1), and such other lamp districts as may hereafter be made, and such tax, so levied and assessed, shall in all cases be equal to one-half the estimated cost of lighting the streets within said district or districts for the year in which said tax is to be levied. The levying, assessing and collecting of the tax, as herein provided, shall be in accordance with the provisions and requirements of an ordinance, entitled "an ordinance regulating the assessment and collection of taxes."

Ibid. SEC. 7. Upon the passage of this ordinance, the City Council shall estimate, or cause to be estimated, the cost of providing and erecting lamp posts already erected within said Lamp District No. One (1), also the cost to the said City of Champaign of providing and erecting necessary lamp posts within said district, to the end of the present fiscal year; and at the commencement of each fiscal year thereafter, the City Council shall cause an estimate be made of the necessary expense in providing and erecting lamp posts within said Lamp District No. One, and such other lamp districts as may be hereafter created, the estimates to be made for each district separately.

Ibid. SEC. 8. When the estimate, as required by the foregoing section, shall have been made, the City Council shall levy and assess a tax upon all the property within said Lamp District No. One (1), that shall be equal to one-half of the estimated cost of providing and erecting lamp posts within said district as aforesaid, and shall annually thereafter levy and assess such tax for said district, or such other districts that may hereafter be made, the same to be levied, assessed and collected as required by section six of this ordinance.

Ibid. SEC. 9. The City Council shall also, at the time of making levy and assessment of taxes as hereinbefore provided, levy and assess, upon all the property of the City of Champaign, taxable for general purposes, a tax that shall be equal to one-half of the estimated cost of lighting the streets, and of providing and erecting lamp posts in all of the said lamp districts hereby created, or that may hereafter be made, which tax shall be levied, assessed and collected as required by section six of this ordinance: *Provided*, That the tax mentioned in this section shall not exceed five mills on the dollar of the assessed value of said property, as returned by the Assessor.

CHAPTER XIII.

MISDEMEANORS.*

AN ORDINANCE Concerning Misdemeanors.

I. *Public Peace and Safety, Disturbance of.*
II. *Assaults, Penalty of.*
III. *Disorderly Conduct. Penalty.*
IV. *Disorderly Assemblages, Penalty of.*
V. *Unlawful Acts, Abetting of.*
VI. & VII. *Public Assemblies, Disturbance of.*
VIII. *False Fire Alarm, Penalty of.*
IX. *Intoxicated in Public Place, Penalty of.*
X. *Indecent Exposure of Person, Penalty of.*
XI. *Selling Obscene Books, Penalty of.*
XII. *Drawing Obscene Cuts, Penalty of.*
XIII. *Indecent Exposure of Stud-Horse, Penalty of.*
XIV. & XV. *Gambling, Penalty of.*
XVI. *Bawdy House, Keeping of, Penalty of.*
XVII. *Vagrants and Swindlers, Penalty of.*
XVIII. & XIX. *Sunday, Disturbance on, Penalty of.*
XX. *Sunday, Labor on, Penalty of.*
XXI. *Animals, Cruelty to, " "*
XXII. *Public Property, Injury of, Penalty of.*
XXIII. *Tomb Stones and Cemeteries. Injury of, Penalty of.*
XXIV. to XXVII. *Street Lamps, etc., Offenses to, Penalty of.*
XXVIII. *Trees and Fences, Hitching to, Penalty of.*
XXIX. *Handbills, Posting of, Penalty of.*
XXXIII. *Shooting in the City, Penalty of.*
XXXIV. *Poison, Selling of, Penalty of.*
XXXV. *Cellar Doors, etc., Leaving Open, etc., Penalty of.*
XXXVI. *Excavations, etc., Unprotected, etc., Penalty of.*
XXXVII. *Meats Diseased, Selling of, Penalty of.*
XXXVIII. *False Weights and Measures, Using of, Penalty of.*
XXXIX. *Officer, Pretending to be one. Penalty of.*
XL. *Officer, Resisting, Penalty of.*
XLI. *Officer, Rescuing Prisoner from, Penalty of.*
XLII. *Officer, may Summon Assistance.*
XLIII. *Officer, Neglect of Duty, Penalty of.*
XLIV. *Sidewalk, Obstruction on, Penalty of.*
LI. *Sidewalk, Breaking of, Excavating, etc., Penalty of.*
LVI. *Same, Obstructions by Merchandise, Penalty of.*
LVII. *Same, Obstructions by Teams, Penalty of.*
LXI. *Same, Use Three Feet of, Signs, etc. Penalty of.*

*See ante, page 65.

LXII. *Same, Moving Goods upon.*
LXIII. *Same, Driving upon, Penalty of.*
LXIV. *Same, Leaving Teams upon, Penalty of.*
LXV. *Same, to be Kept Free from Snow, Penalty of.*
LXVII. *Same, Water Falling upon, Penalty of.*
XXX. *Streets, Rapid Driving on, Penalty of.*
XXXI. *Same, Teams Unhitched upon, Penalty of.*
XXXII. *Same, Teams Meeting, Turn to the Right, Penalty of.*
XLV. *Same, Moving Buildings through, Penalty of.*
XLVI. to XLIX. *Same, Enclosures upon, Penalty of.*
L. *Same, Incumbering of, Penalty of.*
XLIX. *Same, Removing Incumbrance Cost of.*
LIII. *Same, Removing Earth from, Penalty of.*
LIV. *Same, Throwing Ashes into, Penalty of.*
LV. *Same, Throwing Live Coals or Fire into, Penalty of.*
LVIII. *Same, Encroachments upon, Penalty of.*
LIX. *Same, Encroachments by Stairway, Penalty of.*
LX. *Same, Removed, not to be Rebuilt, Penalty of.*
LXVI. *Crossings, Stopping upon, Penalty of.*
LII. *Corners, Removing of, Penalty of.*
LXVIII. *Boys Disturbing an Assembly, Penalty of.*
LXIX. *Boys Rolling Hoops, etc., Penalty of.*
LXX. *Boys Throwing Stones, Penalty of.*
LXXI. *Boys Disturbing Religious Assemblies, Penalty of.*
LXXII. *Boys, Abetting Violations, etc., Penalty of.*
LXXIII. *License, Persons without not to have Signs.*
LXXIV. *Boys about Depot, Penalty. of.*
LXXV. *Boys Hindering R. R. Employees, Penalty of.*
LXXVI. *Boys Jumping on Cars, Penalty of.*
LXXVII. *Sec. 5 Amended and Construed.*
LXXVIII. *Witnesses must Answer.*
LXXIX. *Amending Sec. 33.*

DIVISION I. — OFFENSES AGAINST PUBLIC PEACE, MORALS AND SAFETY.

SECTION 1. (Feb. 14, 1860.) *Be it ordained by the City Council of the City of Champaign,* That any two or more persons, who shall assemble for the purpose of disturbing the peace, or of committing any unlawful act, and who shall not disperse when commanded or requested by any peace officer, shall each and severally be subject to a penalty of not less than three dollars.

Ibid. SEC. 2. Whoever shall assault, strike or fight another, or shall be guilty of any conduct calculated to provoke a breach of the peace, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 3. Whoever shall disturb the peace, or shall be guilty of any violent, tumultuous, offensive or disorderly conduct, or shall make any loud or unusual noise or disturbance, or shall use obscene, offensive, profane or unseemly language, to the annoyance, distubance or vexation of others, shall be subject to a penalty of not loss than three dollars.

Ibid. SEC. 4. Whoever shall knowingly suffer or permit any assemblage for the purpose of disturbing the peace, or of committing any unlawful act, or any breach of the peace, or any riotous, tumultuous, offensive or disorderly conduct, or any loud or unusual noise or disturbance, or obscene, offensive, profane or unseemly language, to

the annoyance, disturbance or vexation of others, in or upon any premises owned or occupied by him, under his control, shall be subject to a penalty of not less than three dollars.

**Ibid.* SEC. 5. Whoever shall abet or encourage any unlawful act, or any violation of any ordinance of the city, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 6. Whoever shall willfully or heedlessly disturb any assembly of persons, met together for religious worship, shall be subject to a penalty of not less than five dollars.

Ibid. SEC. 7. Whoever shall willfully or heedlessly disturb any lawful assemblage of persons, or shall, on the Sabbath day, willfully or heedlessly disturb the peace or quiet of any private family, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 8. Whoever shall make a false alarm of fire, or any false cry for assistance, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 9. Whoever shall be found in a state of intoxication in any public place, or in any place open to public view, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 10. Whoever shall purposely or publicly make any indecent exposure of his or her person, or shall appear in a dress not belonging to his or her sex, or in an indecent or lewd dress, or in a state of nudity, or shall be guilty of any other indecent or lewd act or behavior, shall be subject to a penalty of not less than five dollars.

Ibid. SEC. 11. Whoever shall exhibit, sell, or offer to sell, any indecent, obscene or lewd book, picture, statue, or other thing, or shall exhibit or peform any indecent, obscene or lewd play, exhibition or other representation, shall be subject to a penalty of not less than five dollars.

Ibid. SEC. 12. Whoever shall, in any place open to public view, write, mark, draw, cut, or make any obscene, lewd or indecent word or sentence, design or figure, shall be subject to a penalty of not less than five dollars.

Ibid. SEC. 13. Whoever shall indecently exhibit any stud horse, bull, jackass, or other animal, in any public place, or shall let any such animal, except in some inclosed place, out of public view, shall be subject to a penalty of not less than five dollars.

Ibid. SEC. 14. Whoever shall, in any manner, gam[ble] or raffle for any money or thing of value, or for any check or other thing representing, or intended to represent the same, or shall set up any lottery, or shall sell or dispose of, for gain, any ticket, chance or share in any lottery, shall be subject to a penalty of not less than twenty-five dollars in each case.

Ibid. SEC. 15. Whoever shall knowingly suffer or permit any species of gaming, for money or any other thing of value, or for any check or other thing intended to represent the same, in any house or premises owned or occupied by him, under his control, or shall keep

* See §§ 77 and 78.

or have in his possession any gaming implements, for the purpose of gaming therewith, shall be subject to a penalty of not less than twenty-five dollars in each case.

Ibid. SEC. 16. Whoever shall keep, maintain, frequent, be an inmate of, or connected with, or contribute to the support of, any disorderly, gaming or bawdy house, house of ill fame, or of assignation, or any place for the practice of fornication, or shall knowingly suffer or permit any premises owned or occupied by him, under his control, to be used for any such purpose, shall be subject to a penalty of not less than twenty-five dollars.

Ibid. SEC. 17. Any person, able to work and maintain himself in some honest and respectable calling, not having visible means of support, who shall live idly without employment, or loiter, or stroll about begging, or frequenting gaming houses, disorderly or bawdy houses, groceries, tippling houses, or other places where intoxicating liquors are sold, or who shall otherwise lead an idle or profligate course of life; or any person who shall keep any gaming house, or keep or exhibit any gaming implements, for the purpose of gaming therewith, or shall pursue gaming, or who shall keep, maintain, or be an inmate of any house of prostitution, or who shall have in his possession any implement used for counterfeiting, or for the commission of burglary, or for picking locks or pockets, or any Mexican puzzle, or other implement or device used by cheats and swindlers, without being able to give a good account of his possession of the same; or who shall trespass upon private property in the night time, or habitually sleep in sheds, stables, out-houses, or in the open air, without being able to give a good account of himself or herself, shall be deemed a vagrant, and shall be subject to a penalty of not less than twenty-five dollars.

Ibid. SEC. 18. Whoever shall, on Sunday, keep open any billiard room, ball or pin alley, house, ground, or other place of amusement, or shall suffer or permit persons to assemble therein for the purpose of amusement or play, shall be subject to a penalty of not less than five dollars.

Ibid. SEC. 19. Whoever shall, on Sunday, disturb the peace or good order of society, by any play or amusement, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 20. Whoever shall, on Sunday (except in case of necessity, or for charitable purposes, or where the party shall conscientiously observe some other day of the week as the Sabbath), keep open his place of business, or pursue his daily business or avocation, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 21. Whoever shall inhumanly, cruelly, or unnecessarily beat, abuse, or otherwise maltreat any dumb animal, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 22. Whoever shall willfully, maliciously or negligently break, deface, destroy, or otherwise injure any public property of the State, county or city, or any private property, shall be subject

to a penalty of not less than three dollars, and shall also be liable for the costs and expenses of repairing the injuries committed, which shall be added to the penalty and constitute a part thereof.

Ibid. SEC. 23. Whoever shall carry away or remove, or shall willfully, maliciously or negligently break, deface, destroy, or otherwise injure any monument, tomb-stone, tree, shrub, railing, fence, or any other property, or article or thing, belonging to any cemetery or burying-ground within the city, or placed or erected therein for ornament or otherwise, or shall trespass upon or maltreat any grave therein, shall be subject to a penalty of not less than ten dollars, and, in addition thereto, the expenses which may be incurred in repairing the injuries committed, shall be added to the penalty and included in the judgment.

Ibid. SEC. 24. Whoever shall willfully, maliciously or negligently break, deface, destroy, or in any manner injure any street lamp, or lamp post, or telegraph post, or telegraph wire, shall be subject to a penalty of not less than five dollars, and, in addition thereto, the amount of costs and expenses of repairing the injuries committed shall be added to the penalty and form a part thereof.

Ibid. SEC. 25. Whoever shall, without due authority, light or extinguish any street lamp, shall be subject to a penalty of not less than five dollars.

Ibid. SEC. 26. Whoever shall climb upon any street lamp post, or fasten any horse or other animal thereto, or shall hang or place any goods, boxes, wood, or other substance upon or against the same, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 27. Whoever shall willfully remove, injure, destroy or carry away any cap or lid placed upon the service boxes of the gas light company, upon the sidewalks in the city, shall be subject to a penalty of not less than ten dollars.

Ibid. SEC. 28. Whoever shall, without the consent of the owner or occupant of the premises, fasten any horse or other animal to any fence, railing or tree, or to any boxing placed around any tree; or shall willfully, maliciously or negligently, in any manner, injure, deface, remove or destroy any ornamental or shade tree, or boxing placed around the same, or any shrub, fence, railing, gate or sign, upon any public grounds, sidewalk, or private premises; or shall trespass upon any private premises or public grounds, and injure, carry away or destroy any tree, fruit, vegetable, plant, shrub, or other thing which may be therein, for ornament or otherwise, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 29. Whoever shall, without the consent of the owner or occupant of the premises, post, put up, stick or place any hand-bill, placard, show-bill or notice, upon any building or fence; or shall mark, cut, scratch, or otherwise deface any fence, or any part of any building, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 30. Whoever shall purposely and rapidly or immoderately ride or drive any horse, or mule, or any cattle, or other like

animals, or any team, in any street or alley in the inhabited part of the city, may be stopped by any person, and shall be stopped by any police officer, and shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 31. Whoever shall leave any horse or mule, or any team, in any uninclosed or public place, without being fastened, guarded or secured, so as to prevent its running away, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 32. All persons meeting each other in vehicles, in the street or alleys, or in any public place, or upon or near any bridge, shall, unless the nature or state of the roadway or passway shall render it impracticable, each turn and drive to the right side, so as to pass each other without accident or injury. Whoever shall violate the requirements of this section shall be subject to a penalty of not less than three dollars, and shall be likewise liable for all damages that may occur from collision, unless it be satisfactorily shown that the same occurred from the fault or misconduct of the other party.

**Ibid.* SEC. 33. Whoever shall, in the inhabited part of the city, fire or disharge any cannon, gun or pistol, or other fire-arm, or shall set off or explode any torpedo, fire-cracker, fire-ball or rocket, or other fire-works whatever, or shall make or kindle any bonfire, shall be subject to a penalty of not less than three dollars. But the discharge of fire-arms, the setting or exploding of fire-works, and the making of bonfires upon national holidays, and the celebration of other public and general events, or the discharge of fire-arms by the members of any military company, when on parade, and in accordance with the command of the commanding officer, or by any city officer or person, in the discharge of any legal duty or lawful act, when the same may be done in such a manner as not to endanger, or be likely to endanger, the safety of any person or the injury of any property, shall not be deemed violations hereof.

Ibid. SEC. 34. Whoever shall keep, sell, or deliver any poison, usually known or used as deadly poison, without legibly marking the name thereof, or the word "poison," upon the vial, wrapper, or other inclosure containing the same; or whoever shall sell or deliver any arsenic, strychnine, prussic acid, or other poison, usually known or used as a deadly poison, to any person known to him, without registering the name of such person, and the kind and quantity of the poison sold or delivered, and the purpose for which the same was obtained; or, whoever shall sell or deliver any such poison to any person to him unknown, shall be subject to a penalty of not loss than five dollars in each case. But the sale or delivery of any such poison as a medicine, upon the prescription of a practicing, physician, shall not be deemed a violation of this section.

Ibid. SEC. 35. Whoever shall, in the night time, leave open any cellar, cellar door, vault, well, cistern, excavation, ditch, or other like

* See § 79.

hole, upon or adjoining any street, alley or sidewalk, without securing and protecting the same, so as not to endanger the safety of persons or animals passing thereby, from falling therein, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 36. Any contractor for any public work, officer, or other person, making any excavation upon or adjoining any street, alley or sidewalk, or having the same in charge, who shall, in the night time, leave the same open and unprotected, so as to endanger the safety of persons or animals, passing thereby, from falling therein, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 37. Whoever shall knowingly sell, expose, or offer for sale, any sick or diseased animal, poultry or fish, to be used or eaten for food, or the flesh of any sick, diseased, or otherwise unwholesome dead animal, poultry or fish, or the flesh of any animal, fowl or fish, not usually used or deemed wholesome for food, or any unsound or unwholesome provisions or article of food whatever, or any adulterated or pernicious milk, drink or liquors, shall be subject to a penalty of not less than ten dollars in each case; and the Mayor, or any police officer, shall seize, or cause to be seized and destroyed, any such food, milk, drink, or other provisions, so exposed or offered for sale.

Ibid. SEC. 38. Whoever shall knowingly use any false scale, beam, weight or measure, in the purchase or sale, receipt or delivery of any goods, article or property, purchased or sold, received or delivered, by weight or measure; or shall use any weight or measure for the purchase or sale, receipt or delivery of any goods, article or property, purchased or sold, received or delivered, by weight or measure, knowing the same to be materially inaccurate and different from the standard prescribed by the State; or shall sell or deliver any goods, article or property, sold or delivered by weight or measure, and purporting to be of a certain weight or measure, knowing the same to be materially less than the true weight or measure for which the same [was] sold or delivered, shall be subject to a penalty of not less than ten dollars in each case.

DIVISION II. — OFFENSES AGAINST OFFICIAL AUTHORITY.

Ibid. SEC. 39. Whoever shall falsely represent himself to be an officer of this city, or shall, without authority, exercise, or attempt to exercise any of the powers, duties or functions of any city officer, shall be subject to a penalty of not less than ten dollars.

Ibid. SEC. 40. Whoever shall willfully hinder, delay, resist or obstruct any city officer, or any person legally authorized by him, in the discharge of his duty, or shall aid, abet or encourage any such hindering, delaying, resisting or obstructing, or shall neglect or refuse to obey any lawful order or directions of any such officer, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 41. Whoever shall rescue, or attempt to rescue, or shall abet or encourage the rescue or escape of any person from the custody of any officer, or other person legally having him in charge;

or shall molest or interfere with any officer, or other person so legally having any person in custody; or shall, in any manner, aid, abet or encourage the rescue or escape, or the attempt to escape, from any prison of any person legally committed thereto, or shall supply, or attempt to supply, any such person with any weapon, or with any implement or means of escape, or for attempting to escape, or with any intoxicating liquors, shall, in each case, be subject to a penalty of not less than twenty-five dollars.

Ibid. SEC. 42. Any police officer may call upon any white male person, above the age of eighteen years, to aid him in the arrest, retaking or custody of any person having committed any unlawful act, or to aid in preventing the commission of any unlawful act, and whoever shall neglect or refuse to give such aid and assistance, when so required, shall be subject to a penalty of not less than five dollars.

Ibid. SEC. 43. Any city officer who shall willfully fail, neglect or refuse to perform any duty required of him by the city charter, or the ordinances of the city, or who shall be guilty of any misfeasance, malfeasance, or improper conduct in the discharge of any of the duties of his office, shall be subject to a penalty of not less than ten dollars, and may be removed from office.

DIVISION III. — OFFENSES AFFECTING THE STREETS, ALLEYS AND SIDEWALKS.

Ibid. SEC. 44. No builder or other person shall encumber or obstruct any street or alley with building or other like materials, without a written permit from the Mayor; nor shall, except in case of urgent necessity, and for a short time, encumber or obstruct more than one-third of any street or alley, or one-half of the sidewalk; nor shall such obstruction continue, in any case, longer than may be necessary in the diligent erection of such building, or the prompt execution of the work. Whoever shall violate any provision of this section shall be subject to a penalty of not less than five dollars, and to an additional penalty of not less than three dollars [for each day] he shall continue in violation thereof.

Ibid. SEC. 45. No person shall remove, or cause to be removed, or aid in removing any building, through or across any street or alley, without a written permit from the Mayor; nor shall, in removing such building, unnecessarily encumber or obstruct any street or alley, nor for a longer time than may be necessary in the prompt and diligent removal of such building, under a penalty of not less than ten dollars in each case, and an additonal penalty of not less than three dollars for each day such building shall unnecessarily remain in any street or alley.

Ibid. SEC. 46. No person shall make, or cause to be made, any erection or inclosure, encroaching, in whole or in part, upon any street, alley or sidewalk, under a penalty of not less twenty dollars, and an additional penalty of not less than three dollars for each day the same shall remain after notice by the Mayor. the Marshal, or the Supervisor, to remove the same.

Ibid. SEC. 47. Whoever shall make any erection or enclosure upon or along any street or alley, without first ascertaining the line thereof, from the City Surveyor and Engineer, shall be subject to a penalty of ten dollars.

Ibid. SEC. 48. The owner of any erection or inclosure, already erected or placed, and encroaching upon any street or alley, who shall not remove the same, after thirty days' notice by the Mayor, the Marshal or the Supervisor, shall be subject to a penalty of not less than ten dollars, and to an additional penalty of not less than three dollars for each day he shall fail to comply with such notice.

Ibid. SEC. 49. The Mayor, the Marshal or the Supervisor shall cause any incubrance, obstruction, erection or inclosure, in or upon any street, alley or sidewalk, contrary to ordinance, to be removed, and the costs of such removal may be collected of the person causing such obstruction, with the penalty, or in a suit in the name of the city.

Ibid. SEC. 50. Whoever shall place, throw or leave, or cause to be placed, thrown or left, any obstruction or incumbrance, not authorized by ordinance, in any street or alley, shall be subject to a penalty of not less than three dollars, and to an additional penalty of not less than one dollar for each hour he shall not remove the same, when required by the Mayor, the Supervisor or any police officer.

Ibid. SEC. 51. No person, not authorized by ordinance, shall make any excavation in any street, alley or sidewalk, without a written permit from the Mayor, or the Supervisor, under a penalty of not less than three dollars. Any person making, or causing to be made, any excavation or ditch, for any purpose, in any street, or alley or sidewalk, shall, without [un]necessary delay, cause the same to be filled up to the proper level of the street, alley or sidewalk, and shall from time to time, if necessary, continue to repair the same, until the earth is completely settled, and the surface conforms to the proper level of the street, alley or sidewalk. Any person tearing up any plank or paved street, or sidewalk, or bridge or culvert, for any purpose, or negligently breaking or injuring the same, or breaking or injuring the same by the removing of any building over the same, shall, without delay, cause such plank or paved street, alley, or sidewalk, or bridge or culvert, to be repaired and placed in the same condition as before the breaking or injuring thereof. Any person making, or causing to be made, any excavation or ditch, or tearing up, breaking or injuring any planked or paved street, alley or sidewalk, bridge or culvert, or causing the same to be broken, injured or torn up, who shall not comply with the requirements of this section, shall be subject to a penalty of not less than five dollars, and the City Supervisor shall, without delay, cause such filling up or repairs to be made and completed, and the costs thereof may be collected of any person whose duty it was to do the same, and recovered with the penalty, or in a separate suit in the name of the city.

Ibid. SEC. 52. Whoever shall purposely change or remove any stake, post or stone, placed or set to designate the corner or line of any lot or land, street or alley, or to show the grade of any street, alley or sidewalk, shall be subject to a penalty of not less than five dollars.

Ibid. SEC. 53. Whoever shall, for any private purpose, dig, remove or carry away any earth from any street or alley, without the permission of the City Council, shall be subject to a penalty of not less than one dollar for each load removed or carried away; and any city officer, who shall sell or dispose of any earth from any street or alley, for his private gain or benefit, shall be subject to a penalty of not less than twenty-five dollars.

Ibid. SEC. 54. Whoever shall throw, place or leave any ashes, dirt, filth or other rubbish, in or upon any street, alley or sidewalk, or shall knowingly suffer or permit the same to be thrown, placed or left in or upon any street, alley or sidewalk, in front of or adjoining any premises owned or occupied by him, under his control, shall be subject to a penalty of not less than one dollar, and to a like penalty for each hour the same may remain after notice to remove the same, by the Mayor, the Supervisor or any police officer.

Ibid. SEC. 55. Whoever shall throw, place or leave any live coals of fire, or make or kindle any fire upon any planked street crossing, shall be subject to a penalty of not less than three dollars, and shall likewise be liable for all damages or injury caused thereby, [and] the costs of repairing, which may be recovered with the penalty, or in a separate suit in the name of the city.

Ibid. SEC. 56. No person shall obstruct or incumber any street or alley with merchandise, fuel, or other articles or property, longer than may be necessary in the diligent removal of the same, under a penalty of not less than one dollar, and a like penalty for each hour the same shall not be removed, after notice to remove the same, by the Mayor, the Supervisor or any police officer.

Ibid. SEC. 57. When any street or alley may be obstructed by a press of teams, wagons or animals, the Mayor, the Supervisor or any police officer, may give such orders and directions as may be deemed necessary for abating the obstructing, and whoever shall not observe and obey such orders and directions shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 58. Whoever shall place or leave, or cause to be placed or left, any encroachment, incumbrance or obstruction, in or upon any street, alley or sidewalk, shall, in all cases, be liable to the city, and to private persons, for all damage or injury arising from such encroachment, incumbrance or obstruction.

Ibid. SEC. 59. No steps, platform or other fixtures shall be built to extend into or upon any sidewalk or alley more than three feet; and all steps encroaching upon any sidewalk or alley, and leading to the upper story of any building, shall be securely suspended. Nor shall any open cellar way or basement way extend into or upon any

sidewalk or alley more than three feet, and shall be well protected and secured with a substantial railing round the same. Nor shall any closed cellar way or basement way extend into or upon any sidewalk or alley more than four feet, nor shall the door or grating of any such closed cellar way or basement way extend above the grade of the sidewalk. No windows shall extend upon any sidewalk more than eighteen inches; and all cellar windows or coal holes, placed in any sidewalk or alley, shall be well secured by an iron grating or otherwise, laid even with the grade of the sidewalk or alley. Whoever shall violate, or shall fail to comply with the requirements of this section, shall be subject to a penalty of not less than three dollars, and to a like penalty for each day he shall fail to comply herewith, after notice to do the same, by the Mayor, the Supervisor or the City Marshal.

Ibid. SEC. 60. No fixtures, building, fence, or other erection or inclosure, extending or encroaching upon any road, street, alley or sidewalk, contrary to ordinance, shall be repaired or rebuilt, under a penalty of not less than ten dollars.

Ibid. SEC. 61. Whoever shall place, hang or set out, over or upon any sidewalk, any goods, wares or merchandise, except within three feet of the premises or building occupied by him; or shall place, suspend or erect any sign, show-bill, show-case, flag or other obstruction, projecting into or hanging over any sidewalk, exceeding three feet from the building or premises occupied by him, or shall knowingly permit the same to be done in front of any building or premises owned or occupied by him, under his control, shall, in each case be subject to a penalty of not less than one dollar, and an additional penalty of one dollar for each hour the same shall remain, after notice to remove the same, by the Mayor, the Supervisor or any police officer.

Ibid. SEC. 62. No person shall encumber or obstruct more than four feet of the out edge of the sidewalk with any goods, wares, merchandise, fuel or other articles of property he may be receiving or delivering, nor shall permit the same to remain upon any sidewalk longer than may be necessary in the diligent removal thereof, nor in any case to exceed twenty-four hours, under a penalty of not less than one dollar, and an additional penalty of one dollar for each hour the same may remain, after notice to remove the same, by the Mayor, the Supervisor or any police officer.

Ibid. SEC. 63. Whoever shall purposely push or draw any sleigh, wagon or other vehicle, or drive, lead or ride any team or beast of burden over or upon any paved or planked sidewalk, except it may be necessary in crossing the same to get into his own premises, or into premises where no wagon crossing or other suitable means of access is provided, shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 64. Whoever shall fasten or leave any team or beast of burden in such a manner as that the team, the vehicle, the animal, the harness, the lines, or anything belonging thereto, shall be an obstruction to the sidewalk, shall be subject to a penalty of not less than one dollar.

Ibid. SEC. 65. Whoever shall not keep the paved or plank sidewalks, in front of or adjoining the premises owned or occupied by him, and under his control, so as not to be obstructed by snow, dirt, weeds or other obstructions, shall be subject to a penalty of one dollar, and to a like penalty for each day he shall not remove such obstruction, after notice to do the same, by the Mayor, the Supervisor or any police officer.

Ibid. SEC. 66. Whoever shall obstruct any street crossing by unnecessarily stopping thereon, with any team, vehicle or animal, so as to incommode persons crossing the same, shall be subject to a penalty of not less than one dollar.

Ibid. SEC. 67. Whoever shall suffer or permit the water falling or draining from any building owned by him, or under his control, to spread over the sidewalk, in front thereof, shall be subject to a penalty of one dollar, and to a like penalty for each day he shall not remedy the same, after notice to do the same by the Mayor or the Supervisor.

Ibid. SEC. 68. Any two or more boys who, in the night time, may be assembled together and disturbing any lawful assembly of persons, or making any unusual noise or disturbance, to the disquiet or annoyance of the neighborhood; or who may be found loitering or strolling about, and who shall not disperse and go to their several homes, when required by the Mayor or any police officer, shall each, severally, be subject to a penalty not exceeding five dollars in each case.

Ibid. SEC. 69. No boy or other person shall, in the inhabited part of the city, use or drive any hoop, or use any bow and arrow, or raise or fly any kite, or smoke or fire balloon, or (except upon national holidays or other public and general celebrations) make or kindle any bonfire, or fire, explode or set off any fire-arms, fire-balls, fire-crackers, torpedoes, rocket, or other fire-works, or shall otherwise pursue any amusement or exercise calculated to impede travel, or to frighten animals, or injure or annoy persons passing along the streets or sidewalks, under a penalty not exceeding five dollars in each case.

Ibid. SEC. 70. No boy or other person shall purposely or heedlessly cast or throw any stone or other missile, from or into any public place, or at any person, or at, upon, against or into any building, premises, tree or other property, or shall walk upon the top or capping of any fence or railing, or climb upon the same, or into any shade or ornamental tree upon any sidewalk or elsewhere, without the consent of the owner thereof, or shall in any wise injure, deface or destroy any building, fence, railing, tree or other property, or shall meddle with any public well, cistern or pump, under a penalty of not exceeding ten dollars in each case.

Ibid. SEC. 71. Any boy or other person who shall willfully or heedlessly make any unusual noise or disturbance, to the disquiet or annoyance of others, or shall disturb any assembly met for religious worship, or any other lawful assembly of persons, or who shall assault

or strike any other boy or person, or who shall trespass upon any public grounds or private premises, and injure, carry away or destroy any tree, fruit, vegetable, plant, shrub, or other thing of value therein, or who shall get into or upon any wagon or other vehicle, without the consent of the owner thereof, or shall otherwise purposely annoy or molest any other person, shall be subject to a penalty not exceeding ten dollars in each case.

Ibid. SEC. 72. Any boy or other person who shall abet or encourage any violation hereof, or any other unlawful act, shall be subject to a penalty not exceeding ten dollars.

SEC. 1. (April 2, 1862)—§ 73. No person or persons, within the limits of said city, not having a legal license to retail intoxicating liquors, shall exhibit, nor permit any sign, letters or caricature on the outside of his building or place, nor shall keep, or permit to be kept, any bar, with bottles, barrels, kegs, or other vessels containing such liquors, within his building or place, occupied by him or her, indicating, or which shall be intended to indicate, that any vinous, spirituous, fermented, mixed, malt, or other intoxicating liquors whatever, are kept and sold, or to be sold, at such place, in less quantity than one gallon, under a penalty of not less than three dollars for each day the same shall remain in such place or places, after notice by the City Marshal, or other police officer, to such person or persons to remove the same.

SEC. 1. (Dec. 12, 1864)—§. 74. Any boy or other person, who shall, by idling around the depot of any railway, or the grounds adjoining thereto, and used in connection therewith, impede, molest or obstruct the officers or employees, or any of them, engaged in running cars or locomotives on such railroad, or in prosecuting their or his lawful business or duties connected therewith, and shall not, on being requested so to do, by any such officer or employee, or the Marshal, or any Police Constable of this city, immediately leave such depot or grounds, shall be deemed guilty of a misdemeanor, and be subject to a penalty of not less than three dollars.

SEC. 2. (Dec. 12, 1864)—§ 75. Any boy or other person who shall, by unnecessarily running about the depot of any railroad, or the grounds used in connection therewith, obstruct, interrupt or disturb any officer or employee of the person, company or corporation, having charge of and operating such railroad, from or in prosecuting or carrying on the proper, legitimate and lawful business of such person, company or corporation, in connection with the operating of such railroad, or shall interfere with or disturb any traveler or travelers by such railroad, or other person or persons having lawful business to transact there, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of [not] less than three dollars.

SEC. 3. (Dec. 12, 1864)—§ 76. Any person who shall jump or climb upon, or catch hold of and hang to any railroad car or locomotive, while the same is in motion, or who shall, by clinging to the outside of, or climbing or getting up on any such car or locomo-

tive, whether in motion or not at the time of clinging to or climbing or getting upon the same, attempt to ride thereon from one place to another within the city, not being or intending to become a passenger on such railroad, by the train with which such car or locomotive is connected, beyond the limits of the city, or from one station to another, on said railroad, and not being an officer or employee of the person, company or corporation operating and controlling such railroad, shall be deemed guilty of a misdemeanor, and shall be subject to a penalty of not less than three dollars.

SEC. 1. (June 27, 1868)—§ 77. Section five of the above entitled ordinance shall not be so construed or held, by any Police or other Magistrate, in said city, as to cause any fine or penalty, or other punishment, to be inflicted upon any person or persons for soliciting and buying, or receiving and drinking, any intoxicating liquors.

SEC. 2. (June 27, 1868)—§ 78. Any person or persons having bought, or received, and drank any intoxicating liquors, who may hereafter be summoned to testify in relation thereto, in any suit or prosecution hereafter to be commenced in said city, shall not be excused from stating fully such fact or facts; and any such person refusing so to state, when required by any court in said city, or by any attorney representing any plaintiff or defendant, shall be guilty of contempt, and liable to a fine of not less than five dollars for each and every refusal so to answer, and on a failure or refusal to pay said fine, shall be imprisoned in the city prison until said fine and the costs of commitment are paid, as now provided by law, but the payment of any such fine shall not operate to excuse such person or persons from making answer in the same cause or suit, and a like fine shall be imposed for any subsequent refusal to make such answer or answers in the same suit.

SEC. 1. (June 27, 1868)—§ 79. That section thirty-three of an ordinance, entitled "An ordinance, concerning misdemeanors," passed July 14th, 1860, be, and the same is hereby amended, so that the provision of the said section excepting its operation on national holidays is hereby repealed.

CHAPTER XIV.

Nuisances.

AN ORDINANCE in Relation to Nuisances.

I. *Nauseous or Foul Premises.*
I. *Penalty for Keeping of.*
II. *Hog Pens, Nuisances when.*
II. *Notice of to be Given how.*
III. *Foul Substances thrown into Street, etc.*
IV. *Same, thrown within one-half mile of City Limits, Penalty of.*
V. *Dead Animals, Nuisances when.*
VI. *Same, Removing of, Nuisances when.*
VII. *Nuisances found, Notified to Abate, when.*
VII. *Occupant, Notified to Abate, when.*
VII. *Duty of Officer, what.*
VIII. *Stagnant Water a Nuisance.*
IX. *When Place Reported a Nuisance, how Proceed.*
X. *Power of City Council in.*
XI. *Duty of Mayor in.*
XII. *Places Filled up, when.*
XIII. *Nuisance, Cost of Abating, how Collected.*
XIV. *Dilapidated Building, Nuisance when.*
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XVI. *Proceedings in, how Conducted.*
XVI. & XVII. *Duty of Mayor and Marshal in.*
XVIII. *Refusal of Owner to Abate, how Proceed.*
XIX. *Buildings in Danger of Falling.*
XX. *Inspections of Buildings, when.*
XXI. *Scaffolds. Nuisance when.*
XXII. *Costs and Expenses, how Collected.*
XXIII. *City Clerk, Duty of, in.*
XXIV. *Assessor and Collector, Duty of, in.*
XXV. *Assessor's Warrant, Power under.*
XXVI. *Warrant Unsatisfied, how Proceed.*
XXVII. *Clerk to Certify to Order of Sale.*
XXVIII. & XXIX. *Sale of Premises, how Proceed.*

*Division I.—Nuisances in General.

Section 1. (Dec. 12, 1864.)—§ 1. *Be it ordained by the City Council of the City of Champaign,* That any premises, or part thereof, which may be nauseous, foul or offensive to the neighborhood, or to any person or family residing near the same, or to persons passing along any street or alley near the same, or which may be in such condition as to be detrimental or obnoxious to the public health or comfort, shall be deemed a nuisance, and any owner or occupant of such premises, who shall neglect or refuse to abate, remedy or remove such nuisance, or cleanse such premises, after notice thereof, by the Supervisor, the Marshal, or any Police Constable, or any person aggrieved thereby, shall be subject to a penalty of not less than three dollars for each day he shall so neglect to abate, remove, remedy or cleanse the same, after such notice.

*See §§ 30 and 31, page 29, ante.

Ibid. SEC. 2. Any pen, place or pemises, in which swine are kept or confined, which may be offensive, or an annoyance to any persons residing near the same, or to persons passing along any street or alley near the same, is hereby declared to be a nuisance; and the owner or keeper of such swine, or the owner or occupant of the premises, who shall neglect or refuse to abate, remedy or remove such nuisance, after notice thereof, by the Supervisor, the Marshal, or any Police Constable, or any person aggrieved thereby, shall be subject to a penalty of not less than three dollars for each day he shall so neglect or refuse to abate, remedy or remove such nuisance, after such notice.

Ibid. SEC. 3. Any nauseous, foul, offensive or putrid, liquid or substance, or any liquid or substance likely to become nauseous, foul, offensive or putrid, which may be discharged, placed or thrown, or flow from out of any premises, into any street or alley, or into any adjacent premises, is hereby declared a nuisance, and whoever shall throw, place or discharge any such nauseous, foul, offensive or putrid, liquid or substance, or any liquid or substance likely to become nauseous, foul, offensive or putrid, into any street or alley, or into any adjacent premises, or shall permit any such nuisance to be discharged or to flow from or out of any premises owned or occupied by him, or under his control, into any street or alley, or into any adjacent premises, shall be subject to a penalty of not less than three dollars, and to a like penalty for each day he shall not abate, remedy or remove the same, after notice thereof, by the Supervisor, the Marshal, any peace Constable, or any person aggrieved thereby.

Ibid. SEC. 4. Whoever shall deposit, throw or discharge, or leave any nauseous, foul, offensive or putrid liquid, substance or excrement, or any liquid or substance likely to become nauseous, foul, offensive or putrid, within the city, or (so as to be or likely to become offensive or injurious to the health or comfort of any person residing within the city,) within one-half mile thereof, shall be deemed guilty of a nuisance, and be subject to a penalty of not less than three dollars, and to a like penalty for each day he shall not abate, remedy or remove such nuisance, after notice thereof, by the Supervisor, the Marshal, any Police Constable, or any resident of the city aggrieved thereby.

Ibid. SEC. 5. Any person who shall knowingly suffer any dead animal belonging to him to remain within the city, or within one-half mile thereof, so as to be, or likely to become putrid and nauseous, or offensive to any person residing within the city, shall be deemed guilty of nuisance, and shall be subject to a penalty of not less than three dollars.

Ibid. SEC. 6. No person shall, in removing any dead animal or excrement, or any other nauseous, offensive or putrid, liquid or substance, purposely or unnecessarily cause the same to be offensive or annoying to any other person, under a penalty of not less than three dollars.

Ibid. SEC. 7. When any nuisance, or anything likely to become a nuisance, shall be found by the Supervisor, the Marshal, or any Police Constable, or shall be reported to them, or either of them, the author, owner or cause of such nuisance, shall forthwith be notified to abate, remedy or remove the same, and, in case he shall not comply with such notice, the officer shall abate such nuisance, and bring suit against such person, in the name of the city, for the penalty, and the costs of removal or abatement may also be recovered with the penalty, or by a separate suit in the name of the city, before any court having jurisdiction. When any nuisance, or anything likely to become a nuisance, may be found upon any premises, and the owner, author or cause of such nuisance is unknown or cannot be found, the owner, occupant or agent of such premises shall be notified to abate the same, and if such owner, or his agent, or the occupant, whose duty it is to abate such nuisance, shall not comply with such notice, he shall be subject to a penalty of not less than three dollars, and the officer shall proceed without delay to abate the same, and may bring suit, in the name of the city, against the person liable therefor, for the penalty and costs of removal or abatement, as in other cases; or, if no person liable therefor can be found, may report such costs under oath to the City Council, for allowance and assessment against the premises chargeable therewith. When the owner, author or cause [of] such nuisance, or the owner, or his agent, or the occupant of the premises upon which such nuisance may exist, is unknown, or cannot be found within the city, the officer shall abate such nuisance forthwith, without notice, and may bring suit, in the name of the city, for the penalty and the costs of removal or abatement, against the owner, author or cause of such nuisance, or the owner or occupant of the premises, or other person liable therefor; or, if no person liable therefor can be found, may report the costs of such removal or abatement, under oath, to the City Council, for allowance and assessment against the premises chargeable therewith.

Ibid. SEC. 8. Any lot or premises upon which stagnant water may be standing, so as to become, or be likely to become putrid, foul or offensive, or detrimental to the health and comfort of persons residing in the neighborhood thereof, is hereby declared a nuisance.

Ibid. SEC. 9. When any lot or premises shall be reported to the City Council, either verbally or in writing, by the City Marshal, the City Supervisor, or any Constable, or any other person living in the neighborhood thereof, as a nuisance, from stagnant water standing thereon, or any other cause detrimental to the public health or comfort, or as likely to become a nuisance from any such cause, the City Council shall refer the matter to a committee of not less than three, to be appointed for that purpose by the Mayor, whose duty it shall be to examine into the condition of such lot or premises, and if the same shall be found in such a condition as to be detrimental or obnoxious to the health or comfort of persons residing in the neighborhood, to

report such lot or premises as a nuisance to the City Council, stating the cause, and the manner deemed best for abating such nuisance, either by filling up or draining the same, or otherwise disposing of the same.

Ibid. SEC. 10. When any lot or premises shall be reported to the City Council as a nuisance, by such committee, the City Council may, by the passage of an ordinance, declare such lot or premises to be a nuisance, stating the cause therefor, and require the owner or occupant of the lot or premises, or the person liable therefor, to fill up or drain such lot or premises, or otherwise abate such nuisance, within such time as may be named in the ordinance.

Ibid. SEC. 11. The Mayor shall, without delay, after the passage of any ordinance declaring any lot or premises a nuisance, and requiring such nuisance to be abated, by the filling, or draining or otherwise improving such lot or premises, cause a copy of the ordinance to be delivered to the owner of such lot or premises, or his agent, or the occupant thereof, or any person whose duty it is to abate the nuisance thereon. If the owner of such lot or premises, or other person whose duty it is to abate the nuisance thereon, is not a resident of the city, the Mayor may inclose a copy of the ordinance to such owner or other person by mail, directed to him at the post office at which he usually receives his letters, if known; but if such owner or other person, whose duty it is to abate such nuisance, and his agent, if any, are unknown, or if his place of residence is unknown, the ordinance shall be published for at least three weeks in the newspaper publishing the ordinances of the city, which shall be sufficient notice to all persons.

Ibid. SEC. 12. If any lot or premises shall not be filled up or drained, or such nuisance otherwise abated, in compliance with such ordinance, the Mayor shall cause the same to be done by the City Supervisor, or may let the same by contract, in the same manner as for public improvements, and when completed shall report to the City Council an accurate account of the cost thereof, under oath of the Supervisor or of the contractor doing the same; and the amount so necessarily expended in abating such nuisance, may be recovered of the owner of such lot or premises, or of any other person liable therefor, by suit in the name of the city, before any court having jurisdiction, or may be assessed against the lot or premises chargeable therewith, and collected by warrant and sale of the same, in the same manner as other nuisances.

Ibid. SEC. 13. When any lot or premises shall be filled up or drained, or any nuisance thereon otherwise abated, the officer or contractor doing the same shall keep an accurate account of the costs of abating such nuisance upon each separate lot or premises, and shall report the same separately; but if the exact cost of each cannot be ascertained, he shall apportion the costs equitably, as near as may be, to each separate lot or premises.

Division II.—Dangerous Buildings.

Ibid. Sec. 14. Any wooden building, or wooden part of any building, which may be situated within thirty feet of any contiguous building, and which may be in danger of becoming on fire, or setting fire to any contiguous building, by reason of being dilapidated, out of repair or untenantable, or by reason of any fire-place, grate, stove, stove-pipe, funnel or chimney, or any other structure or apparatus therein, used or intended to be used for the purpose of holding, conducting or securing any fire, being insufficient, or being improperly or insufficiently secured, is hereby declared a nuisance.

Ibid. Sec. 15. When any such building, or part of a building, shall be reported to the City Council, the same shall be referred to the Committee on Fire and Water, or other appropriate committee, who shall examine such building, or part of a building, and report the condition thereof; and if the City Council shall be satisfied that such building is situated within thirty feet of any contiguous building, and is in danger of becoming on fire, or setting fire to any contiguous building, by reason of any of the causes mentioned in the last preceding section, they may, by the passage of an ordinance, declare such building, or part of a building, to be a nuisance, stating the cause thereof, and require the owner or occupant of such building, or part of a building, or other person liable therefor, to remove such building without the city limits, or to make good and properly secure any such fire-place, grate, stove, stove-pipe, funnel or chimney, or other structure or apparatus in such building, or part of a building, used, or intended to be used, forthe purpose of holding, conducting or securing any fire, or require him, her or them otherwise to abate such nuisance, within such time as they may deem necessary.

Ibid. Sec. 16. The Mayor shall, without delay, after the passage of such ordinance as mentioned in the last preceding section, make out, sign and deliver to the Marshal a notice, containing a copy of such ordinance, directed to the owner of such building, or part of a building, requiring him to remove the same, or to make good and properly secure such fire-place, grate, stove, stove-pipe, funnel or chimney, or other structure or apparatus therein used, or intended to be used, as aforesaid, in compliance therewith. The Marshal shall, without delay, serve such notice upon the owner of such building, or part of a building, or his agent, and the person in possession and actual occupancy thereof, if any, retaining a copy thereof; but if the owner is a non-resident of the city, and has no known agent residing in this city, the Mayor shall send the notice to him by mail, directed to him at the post office at which he usually receives his letters — if unknown, retaining a copy thereof. If no owner or his agent can be found in the city, and the owner's place of residence is unknown, or if the owner is unknown, the Mayor shall cause the ordinance to be published at least twice, in the newspaper publishing the ordinances of the city, which shall be deemed sufficient notice to all persons. If any such building, or part of a building, shall not be removed, or such

fire-place, grate, stove, stove-pipe, funnel or chimney, or other structure or apparatus therein used, or intended to be used, as aforesaid, shall not be made good and properly secured, in compliance with such notice, at the expiration of the time named therein, the Mayor shall order the City Marshal to remove or tear down such building, or part of a building, or so much thereof as may be necessary, or in some other manner to remedy such danger and abate such nuisance.

Ibid. SEC. 17. The Marshal shall, without delay, execute the order of the Mayor, and shall report the costs of so doing upon oath to the City Council, and the same may be collected of the owner of the building, or part of a building, or the occupant thereof, or any other person liable therefor, by suit in the name of the city, before any court having jurisdiction, or assessed against the premises chageable therewith, and collected by warrant and sale of the same, in the same manner as other nuisances.

Ibid. SEC. 18. Any owner of any such building who shall, when notified so to do, neglect or refuse to remove the same, or any such owner, or any occupant thereof, who shall neglect or refuse to make good or properly secure any such fire-place, grate, stove, stove-pipe, funnel or chimney, or other structure or apparatus therein used, or intended to be used, as aforesaid, or otherwise to abate such nuisance, in compliance with such notice, shall be subject to a penalty of not less than twenty dollars.

Ibid. SEC. 19. Any building or erection, or part thereof, which shall be in danger of falling, or otherwise in such condition as to endanger the safety of persons passing under or near the same, or residing adjacent thereto, or to endanger any property contiguous thereto, is hereby declared to be a nuisance.

Ibid. SEC. 20. When knowledge of any such dangerous building or erection shall come to the Mayor, he shall, without delay, summon three disinterested citizens of the city, who shall with him inspect such building or erection, and if they, or a majority of them, shall be of the opinion that the same endangers the safety of persons passing under or near the same, or residing adjacent thereto, or any property contiguous thereto, the Mayor shall, without delay, notify or cause to be notified, the owner or person having charge of such building or erection, forthwith to remove, demolish or otherwise secure the same, or such part thereof as may [be] necessary, and upon his failing or refusing to comply with such notice, the Mayor shall, without delay, cause such building or erection, or such part thereof as may be necessary, to be removed, demolished or otherwise secured, so as to be safe and harmless, and the owner of such building or erection, or person having charge of the same, who shall fail or refuse to comply with such notice, shall be subject to a penalty of not less than twenty dollars; and the costs of removing, demolishing or securing such building or erection shall be reported to the City Council by the Mayor, and the same may be collected of the owner of such building or erection, or person having the same in charge, by suit in the name of the city,

before any court having jurisdiction, or assessed against the premises chargeable therewith, and collected by warrant and sale of the same, in the same manner as other nuisances.

Ibid. SEC. 21. All scaffolds or other erections used in the erection of any building, shall be made secure, and sufficiently wide to insure the safety of persons working thereon or passing under the same, against the falling thereof, or of materials that may be placed thereon. Any scaffold or other erection which may be otherwise constructed shall be deemed a nuisance, and whoever shall erect or use any such insecure or dangerous scaffold, or other erection, shall be subject to a penalty of not less than ten dollars, and upon his failure or refusal to remedy or remove the same, forthwith, when required by the Mayor, the Supervisor or any police, the officer shall cause the same to be done, and the costs of such removal or remedy shall be collected of the owner or builder, or person having control thereof, and recovered by suit in the name of the city before any court having jurisdiction.

DIVISION III.—ASSESSMENTS FOR ABATING NUISANCES.

Ibid. SEC. 22. When any costs or expenses necessarily expended in removing or abating any nuisance upon any premises chargeable therewith shall be reported to the City Council and examined by them, they may, by an order to be entered at full upon the journals, approve and confirm the same, and levy and assess such costs and expenses against the premises chargeable therewith. The order shall contain a correct list and description of the premises, with the name of the owner thereof, if known, and the amount assessed against each lot or premises set opposite thereto, and may be substantially as follows, to-wit:

Name of owner.	DESCRIPTION. Lot.	Block.	Addition.	Amount of Assessment.
A—— B——	1	13	C D Ad. to Urbana.	$20 00
E—— F——	N½5	2	John Doe's Addit'n.	5 00
John Smith	4	6	Hulnig's.	40 00

Being the costs and expenses approved by the City Council for abating nuisances on each of the aforesaid lots or premises, by the city, after failure of the owners or other persons whose duty it was to abate such nuisance, after due notice to do the same, in pursuance of the ordinances of the city, be, and the same are hereby levied and assessed against each of said lots or premises, to defray the costs and expenses of abating said nuisances thereon, and that a warrant issue for the collection of said assessment against each lot, part of lot or premises, returnable within sixty days from the date thereof.

Ibid. SEC. 23. The City Clerk shall, without delay, after the passage of the order of assessment, make out and deliver to the Assessor and Collector a warrant for the collection of the assessments, containing a true copy of the order of the City Council, signed by the

Mayor and himself, under the corporate seal, and returnable within sixty days from the date thereof. The Clerk shall take the receipt of the Assessor and Collector for the warrant upon delivery thereof, and charge him with the amount of the same.

Ibid. SEC. 24. The Assessor and Collector, upon receipt of the warrant, shall, without delay, cause a notice, signed by him, to be published for two weeks in the newspaper publishing the ordinances of the city, stating that the warrant for the collection of the assessments made by the City Council against the premises named therein (describing the same, with the name of the owner thereof, if known, and the amount of the assessment as fully as set forth in the warrant), and for the sums set opposite to each, for the costs and expenses of abating nuisances upon such premises, has been delivered to him for collection, and that payment of the same is demanded. Such notice shall be deemed a sufficient demand, and neglect to pay such assessment for twenty days after the expiration of such notice shall be deemed a refusal. But the Assessor and Collector shall, as far as practicable, make personal demand of payment of the owner of such premises, or his agent, or other person liable therefor, if he may be found within the city.

Ibid. SEC. 25. The Assessor and Collector shall, in the collection of the warrant, have all the powers conferred on him by law in the collection of general warrants for taxes, and shall perform the same duties and be subject to the same liabilities, and his return may be made in like form. The City Council may, by order or resolution, extend the time of the collection of the warrant.

Ibid. SEC. 26. When any warrant shall be returned unsatisfied, in whole or in part, as to any assessment against any lot or premises, or any part thereof, the City Council may, at any time thereafter, by an order to be entered at large upon the journals or record kept by the Clerk, direct the Assessor and Collector to sell the delinquent premises (describing the same, with the name of the owner thereof, if known, and the assessments severally due thereon, and the purpose thereof as fully as set forth in the warrant), or so much thereof as may be necessary for the payment of such assessment and the costs of sale.

Ibid. SEC. 27. The City Clerk shall, without delay, after the passage of the order of sale, make out a certified copy thereof, signed by himself and the Mayor, under the corporate seal, and attach to the warrant, and deliver the same to the Assessor and Collector. The copy of the order and the warrant shall constitute the process upon which the Assessor and Collector shall sell the delinquent premises described therein, and they may be sold at any time within two years of the approval or confirmation of such assessment by the City Council.

Ibid. SEC. 28. The Assessor and Collector shall then sell the delinquent premises, or so much thereof as may be necessary to pay such assessment and the costs of advertizing the same for sale, he

first giving notice of the time and place of sale, by publishing an advertisement at least four times in the newspaper publishing the ordinances of the city, the first publication to be made at least thirty days before such sale, describing the delinquent lots or premises by figures or otherwise, with the name of the owner, if known, and the amount of the assessments severally due thereon, as fully as set forth in the warrant, and stating that the smallest portion of the lot or premises, to be taken from the east side thereof, will be sold to the person who will take the same, and pay the assessment due against the same for abating nuisances thereon, and the costs of advertising the same for sale. All proceedings may be stopped at any time before sale by payment of the assessment and costs of advertising.

Ibid. SEC. 29. All subsequent proceedings shall be the same in all respects whatever as in cases of sales for general taxes, and the duties and liabilities of the Assessor and Collector, the City Clerk, the City Council and purchasers, shall in all respects whatever be the same as is prescribed by law or ordinance in sales for general taxes.

CHAPTER XV.

CITY OFFICERS.

AN ORDINANCE in Relation to the City Officers of the City of Champaign.

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DIVISION I. — OF CITY OFFICERS IN GENERAL.

SECTION 1. (June 16, 1860) — § 1. *Be it ordained by the City Council of the City of Champaign*, That the municipal government of the city shall consist of a City Council, to be composed of the mayor and one alderman from each ward. The city officers of the corporation shall be as follows: A City Clerk; a City Marshal; a City Treasurer; a City Attorney; a City Assessor and Collector; a City Surveyor and Engineer; a City Supervisor or Supervisors; who, in addition to the duties prescribed in the act, and the amendments thereto, under which and as which the City of Champaign is incorporated as a city, shall perform such other duties as may be prescribed by ordinance. There shall also be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the city council, and to perform such duties as may be prescribed by ordanance.*

Ibid. SEC. 2. The City Council may, by an order, require any city officer, before entering upon the discharge of the duties of his office, to execute bond to the city, in such sum as may be named in the order, and with such sureties as they may approve. But no member of the City Council, or officer of the city, shall be received as surety on the official bond of any city officer hereby created and provided for, and herein required to execute bond as a city officer. *The bond of each city officer shall be conditioned "that he will faithfully execute the duties of his office, and account for and pay over and deliver all moneys and other property received by him on account of the city."* All official bonds shall be drawn by the City Attorney, or submitted to him after being drawn up, for his approval of the form thereof, and shall then be submitted to the City Council for their approval, which, when given, the City Clerk shall certify thereon, and shall file and preserve the same in his office. The City Council may at any time require a new bond to be executed by any city officer, if from any cause they shall deem the old bond, or the sureties thereon, to be insufficient, but the execution of such new bond shall not, in any manner, affect any liablity, loss or damage incurred under the old bond, or release the sureties from any liabilities incurred thereon. All bonds and contracts shall be written or [printed,] or partly both, in a plain and legible manner.

Ibid. SEC. 3. When any city officer shall have qualified as required by the charter and ordinances of the city, the City Clerk shall make out and deliver to him a commission under the corporate seal of said city, if said city shall at the time have a corporate seal, and in case the city shall have no corporate seal, then under the private seal of the Mayor of said city. The said Clerk certifying that the said city has not, at the time, any corporate seal, said commission shall be signed by the Mayor or presiding officer of the City Council, and the City Clerk. The commission may be substantially as follows, to-wit:

* See Charter, § 1. Art. II.

"*A. B., Mayor of the City of Champaign, to all whom these presents shall come, Greeting:*

Know ye, that C. D., having been duly (elected or appointed, as the case may be), and qualified to the office of ——— ———, *of the City of Champaign, I, A. B., Mayor (or Acting Mayor, as the case may be,) of said city, for and in behalf of the people thereof, do hereby commission him* ——— ——— *in and for said city; to have and possess the said office, with all the rights, powers and emoluments incident thereto, with authority to execute all the duties thereof according to law, until his successor shall be duly chosen and qualified.*

(SEAL) *In testimony whereof, I have hereunto set my hand, and caused the corporate seal of said city (if any) to be affixed, this* —— *day of* ———, *A. D.* 186—.

E. T., City Clerk. *A. B., Mayor.*

Ibid. SEC. 4. All officers collecting or receiving any moneys on account of the city shall pay the same, as fast as collected, into the city treasury, in same kind of funds as received by them, and shall, on the first Monday of each month, report to the City Council an accurate statement of all moneys received by them for the preceding month, specifying the amount, from whom, and on what account received. No officer shall retain any moneys collected or received by him, towards the payment of any salary or fees which may be coming to him from the city, but shall pay the same into the treasury. Any officer violating any provision of this section shall be subject to a penalty of not less than ten dollars.

Ibid. SEC. 5. The salaries of all city officers, unless otherwise specially provided, shall be payable monthly, on the third Monday of each month, and they may present their accounts to the City Council or City Clerk for adjustment or payment; but no warrant shall be drawn in favor of any officer for his salary until he shall have filed his report as herein required, nor shall any warrant, in any case, be drawn in favor of any officer who shall be in default or arrears with the city.

Ibid. SEC. 6. The records, books and papers pertaining to any city officer shall at all seasonable times, be subject to the inspection and examination of the Mayor, the [City] Council, or any of its committees, or any person interested in the same, and all city officers shall, when requested, give all the information in their power, pertaining to their respective offices, to the City Council, or any of its committees, or any other department of the city government.

Ibid. SEC. 7. When any particular officer, required by ordinance to execute any particular duty, shall be absent, or incompetent, or otherwise unable to discharge such duty, the Mayor, or Mayor *pro tem.*, may assign the discharge of such duty to some other officer, and such officer shall act in such case with the same powers and authority as if specially named in the ordinance.

Ibid. SEC. 8. If any city officer shall remove from the city, or absent himself therefrom for three months, his office shall be vacated.

Ibid. SEC. 9. All officers shall be liable to the city for all loss or damage that may arise from their negligence or willfull misconduct, in the discharge of any official duty, and the City Council may, in their discretion, by order, withhold the salary of any such officer, in order to secure the city from loss; and if any officer shall fail, neglect or refuse to discharge or perform any duty required of him, the City Council may employ or appoint some competent person to perform such duty, and the costs and expenses of doing the same shall be charged to such officer and deducted from his salary, or, if his salary shall be insufficient to pay the same, they may be collected from him and recovered by suit in the name of the city, before any court having jurisdiction.

Ibid. SEC. 10. Whenever it shall come to the knowledge of the Mayor, or any member of the City Council, that any city officer is incompetent, or has wilfully neglected or refused to discharge any of the duties of his office, or has been guilty of any malfeasance, misfeasance, or other improper conduct in the discharge of his official duties, he shall forthwith prefer charges in writing against such officer to the City Council, specifying the nature of the offence or offences with which he is charged. The City Council shall immediately thereupon appoint, by ballot, a committee to consist of three members, to examine into such charges, and who, if upon such examination they shall deem well founded, shall frame such charges with such additional charges as they may find probable cause for preferring, with specifications, and report them to the City Council; whereupon the City Council shall set a day for hearing and determining the same, within ten days. A copy of the charges, with the specifications, with a notice of the day set for hearing the same, shall, without delay, be made out by the City Clerk and delivered to the accused. Upon the day appointed the City Council shall proceed to hear and determine concerning such charges, and hear and examine all evidence that may be offered on both sides, and may, if necessary, adjourn from day to day, and shall, upon concluding such examination, vote by "*ayes and nays*" upon the charges, whether the accused is guilty. The question upon each charge shall be: *Is the accused guilty?*" And if a majority of the aldermen required to be elected by law, shall vote that he is guilty of any charge preferred, they may resolve that he be removed from office, and shall thereupon proceed to fill such vacancy according to law. The proceedings shall be entered at large upon the journals by the City Clerk.

Ibid. SEC. 11. The accused shall be heard, if he shall so desire, by himself or council in his defense, and the City Attorney, if required, shall attend and prosecute on behalf of the city. But no exceptions shall be taken to the form of the charges or specifications, and it shall be sufficient if the offience charged is clearly and substantially set forth.

Ibid. SEC. 12. The Mayor shall issue warrants under the corporate seal, (if any,) for all witnesses or the production of all papers

that may be required either before the city council or before the special committee, and deliver the same to the City Marshal, who shall serve the same by reading or by delivery of a copy thereof, to the person summoned, and shall make a return in what manner he has executed the same. And any person who shall neglect or refuse to appear, or to testify when so required, or to produce any papers which he may have in his possession or under his control, pertaining to such trial, shall be subject to a penalty of not less than fifty dollars, and may be compelled to appear or testify in any other legal manner. When any witness may be unable to attend from sickness or any other cause, or is beyond the jurisdiction of the City Council, his deposition, taken in accordance with the laws of this State, may be read in evidence.

Ibid. SEC. 13. When any charges shall be preferred, the officer shall be immediately suspended until they are disposed of, and the City Council may make a temporary appointment to fill such vacancy. If any officer shall, without good cause, neglect to appear at the time appointed, and answer the charges against him, his office shall be declared vacant. Any officer who may be removed from office, shall not receive any salary from and after the date charges are prefered against him.

Ibid. SEC. 14. Any city officer authorized or required by the city charter to be appointed by the City Council, may be removed from office at any time by a vote of a majority of the aldermen required by law to be elected. But the City Council may, at its option, cause charges to be preferred against such officer, and proceed to hear and determine the same in the same manner as is prescribed in the tenth section hereof.

SEC. 1. (July 8, 1871)—§ 15. That section fourteen of an ordinance entitled "an ordinance in relation to the city officers of the City of Champaign," passed June 16th, 1860, be so amended that the words "a majority," occuring in third line of said section, be stricken out and the words "three-fourths" inserted in its place.

Sec. 1. (July 2, 1860)—§ 16. That all officers of the city appointed by the City Council, shall, before or upon entering upon the discharge of the duties of their respective offices, take an oath for the faithful performance of the duties of the same.

DIVISION II.—SALARIES AND FEES.

SECTION 1. (July 12, 1871)—§ 17. The salaries and compensation of city officers shall be as follows, to-wit: That for the current municipal year, and for each and every year thereafter, the City Attorney of the City of Champaign, shall have and receive a salary of three hundred dollars, payable quarterly, and no more for all services required of him to be rendered as such City Attorney by the charter and ordances of said city, excepting services rendered by him for the city in courts of record; and he shall have and receive, in addition to said salary, reasonable fees for such services as he may

render for the city in courts of record, and for such services as are not required of him as aforesaid.

SEC. 1. (May 8, 1869)—§ 18. That the salary of the Mayor of said city be two hundred dollars per annum.

SEC. 2. (May 8, 1869)—§ 19. That each of the Aldermen of said city shall receive the sum of two dollars for each regular meeting, and the sum of one dollar each for all special meetings of the City Council, and the sum of five dollars each for service on any standing committee, and a like sum for service on any special committee.

SEC. 3. (May 8, 1869)—§ 20. For any other special service rendered said city by any member of the City Council, by order of the Mayor or City Council, he shall receive such compensation as the City Council may deem reasonable.

SEC. 1. (June 15, 1861)—§ 21. The City Marshal shall receive such fees and emoluments as the City Council may direct.*

The City Surveyor and Engineer shall receive such fees for [his] services as may be provided by the City Council.

The City Assessor and Collector shall receive such per cent. as the City Council may provide, from time to time, for such services as [he] may perform.

The City Marshal and Police Constable shall receive the same fees, to be charged and collected in the same manner as other Constables.

SEC. 1. (—— 7, 1862)—§ 22. That the City Treasurer shall be allowed three per cent. on all moneys received and paid out by him, in the discharge of the duties of his office.

SEC. 1. (April 23, 1864)—§ 23. The City Clerk shall receive a salary of forty dollars per annum.

SEC. 2. (June 30, 1869)—§ 24. The City Council shall have power to fix the salary of the City Supervisor, by resolution.

SEC. 17. (June 16, 1860)—§ 25. The City Clerk may charge and receive the following fees, to-wit: For copies or exemplifications of any records of his office, fifteen cents for every one hundred words; for certificate of authentication, under the corporate seal, fifty cents; for any official certificate, without the corporate seal, when not required for public use, twenty-five cents; for administering an oath and attesting the same, when not done for the use or on account of the city, twenty-five cents; for cancelling each tax or other certificate of sale, fifteen cents. But neither he nor any other city officer shall, in any case, be entitled to charge any fees against the city for any services performed for the use of the city, in the discharge of his official duties.

SEC. 16. (June 16, 1860)—§ 26. The City Council may increase or diminish the salaries of city officers at any time, in their discretion, but no ordinance changing the salary or compensation of any officer shall be retrospective in its operation, but such increase or diminution of salary or compensation shall take effect from the third Monday of

* See § 29, Chap. XVII., post.

the next month succeeding, after the passage of the ordinance changing such salary or compensation.

SEC. 18. (June 16, 1860)—§ 27. All city officers receiving fees as part of their compensation, shall keep an accurate account thereof, and shall, at the end of each year, report to the City Council the amount of fees of all kinds received by them during the preceding year.

DIVISION III.—CITY ATTORNEY.

SEC. 19. (June 16, 1860)—§ 28 The City Attorney shall be licensed to practice in the courts of the State, and shall prosecute or defend, in behalf of the city, in all cases in which the interests of the city, or the official acts of any officer or agent of the city, are involved. He shall, when required, advise the City Council, or any of its committees, or any city officers, in relation to all matters of law arising in which the interests of the city are in question. He shall examine all assessments and tax lists, or other papers, in relation to the assessment or collection of taxes or assessments, and approve the same, or draft any ordinance, bond, contract, or other instrument of writing, on behalf of the city, or examine and approve the same, when required by the City Council, or any of its committees, or the Mayor.

SEC. 20. (June 16, 1860)—§ 29. He shall, when required, prosecute any suit brought in the name of the city, before any Police or other Magistrate, for the recovery of any penalty or otherwise. He shall cause execution to issue upon all judgments recovered in favor of the city, and attend to their prompt collection. He shall report to the City Council, or the Mayor, all cases in which he shall deem it expedient to take any appeal or writ of error on behalf of the city, and the City Council may, by an order or resolution, authorize the same to be done; and the Mayor shall enter into such bond or other obligation on the part of the city, under the corporate seal, and with such sureties as may be necessary; and such sureties shall be indemnified by the city from all loss or damage. He shall prepare and file all necessary papers in all cases in which the city is a party or interested. The City Clerk shall deliver to him any bond or other paper necessary to be used in any suit or other proceeding, taking his receipt for the same.

SEC. 22. (June 16, 1860)—§ 30. He shall report to the City Council, without delay, after the adjournment of each term of any court of record, and at such other times as he may be required, the state or disposition of all cases of the city pending in such court. He shall examine all fee bills of officers of courts and others, and certify to the correctness of the same, and the liability of the city therefor. But no fee bills for cost for the prosecution of any citizen of the city, for any criminal offense, in the Circuit Court of Champaign county, or for jail fees, shall be certified to or paid, unless the offender shall have been duly convicted, and such costs cannot be collected from him.

SEC. 23. (June 16, 1860)—§ 31. The City Attorney may, in case of temporary absence, or otherwise being unable to attend to the

duties of his office, with the consent of the Mayor, and at his own expense, appoint some competent attorney to act in his place. The City Council may authorize the retaining of assistant counsel when deemed expedient.

DIVISION IV.—CITY ENGINEER.

SEC. 24. (June 16, 1860)—§ 32. The City Engineer or Surveyor shall, when required by the Mayor, the City Council, or any of its committees, make out plans, estimates and specifications for public work, which may be ordered or proposed by the City Council, and superintend the construction thereof. He shall, when required by the City Council, make surveys of the grades or boundaries of streets or alleys, and prepare plats or profiles thereof, and report the same to the City Council, and no such survey of any grade or boundary shall be established and valid, until the plats or profiles thereof shall be reported to and approved by the City Council. He shall, when required, receive, inspect or measure any lumber, or other materials to be used for any public work, and, if necessary, shall keep an accurate account, in a suitable book, of the quantity and quality of the same, and from whom received, and the cost thereof, and also for what purpose used, or to be used, and to whom delivered. He shall examine all accounts for materials received by him on account of the city, and if correct, certify the same to the City Council.

SEC. 25. (June 16, 1860)—§ 33. He shall preserve in his office all records and plats of surveys, and all books, papers and writings pertaining to his office. He shall make out and keep a diagram or plat of all the grades and boundaries of streets and alleys established by the City Council, correcting the same when any grade shall be changed, and adding thereto when any new grade or boundary shall be established, and he shall record, in a suitable book, the profiles and notes of all surveys of grades and boundaries established, and shall preserve the original papers relating thereto, and shall otherwise keep a systematic record of all the transactions pertaining to his department.

SEC. 26. (June 16, 1860)—§ 34. He shall make all surveys in the city that he may be called upon to make, and shall employ, at his own expense, the necessary chain-men and other assistants, who shall, before entering upon their duties, be sworn, before him or any person authorized to administer oaths, "to measure accurately and justly, and to perform their duties to the best of their knowledge and ability." He shall acquaint himself with the original surveys of the town and city, and shall, as far as practicable, provide himself with copies of the field notes of the original surveys, and shall make his surveys in accordance therewith; and he shall note all errors and discrepancies in the original survey or surveys as soon as discovered.

SEC. 27. (June 16, 1860)—§ 35. He shall, upon finding or establishing the boundary of any lot or tract surveyed, plant a substantial stake or stone at each corner thereof, and give to the owner

or person employing him, if required, a certificate, stating the date, and as far as practicable, the metes and bounds of the survey, and he shall record all such surveys in a suitable book, stating the date of the survey, for whom made, and describing, as far as practicable, the metes and bounds thereof.

SEC. 29. (June 16, 1860)—§ 36. The City Clerk shall return to the City Surveyor and Engineer all plats and other papers pertaining to his department, as soon as the City Council shall have no further use for them.

DIVISION V.—CITY SUPERVISORS.

SEC. 30. (June 16, 1860)—§ 37. The City Supervisor shall superintend all improvements ordered by the City Council upon the streets and alleys, and make all necessary repairs thereof; but no improvement or repair, except such repairs as may be actually necessary, shall be made without the order of the City Council; and shall, without delay, cause all breaks in any planked street or alley, bridge, culvert, apron or street-crossing, or other insecure or unsafe place, to be repaired, and report the costs thereof to the City Council for allowance. And when the probable cost of any such repair shall exceed twenty-five dollars, the same shall be made with the concurrence of the Mayor, or of the Committee on Streets and Alleys. He shall annually, as early as practicable in the spring of the year, under the direction of the Mayor, or Committee on Streets and Alleys, cause the streets and alleys, where needed, to be cleansed, and the gutters to be opened; and he shall, so far as it is practicable, keep them in that condition during the year. He shall, from time to time, examine into the condition of the streets and alleys, bridges, culverts, cross-walks and sidewalks, and report the same to the City Council, and recommend such improvements or repairs as he may deem needed.*

SEC. 31. (June 16, 1860)—§ 38. He may, by authority of the City Council, when the street labor shall be insufficient for repairing the streets, employ such laborers and carts and teams, as may be deemed necessary by the City Council, and at such price as may be fixed by them, not exceeding the usual rates paid by others for similar labor and service. He shall oversee and direct the street laborers and workmen in the employ of the city, and require them to labor faithfully, and shall keep a correct account of their time in a suitable book. He may procure the necessary implements for performing street work, or materials for bridges, culverts or cross-walks; but he shall purchase no implements or materials without making his written requisition to the Mayor, and getting his order therefor.

SEC. 32. (June 16, 1860)—§ 39. He shall keep, in an appropriate book, and in such manner as may be required by the Committee on Finances, a plain and accurate account of all expenditures made under his supervision, specifying to whom made, for what purpose, and to what ward chargeable. He shall keep a correct list and

* Actions will lie for damage resulting from negligence, from failure of Supervisor to repair. See Brown *vs.* Springfield, 17 Ill., 143; City of Champaign *vs.* Patterson, 50 Ill., 61.

account of all implements, materials and other property of the city in their charge, and shall be accountable therefor; and shall deliver the same to his successor in office, taking his receipt therefor, which he shall file with the City Clerk, who shall credit him with the same, and charge his successor therewith. When he shall purchase any implements on account of the city, he shall immediately report the bill thereof to the City Clerk, who shall charge him with the same at cost. He shall cause all implements belonging to the city to be legibly marked with the letters "C. C."

SEC. 33. (June 16, 1860)—§ 40. He shall examine all accounts of contractors and others for work pertaining to his department, or for implements and materials furnished therefor, and if correct certify the same to the City Council.

SEC. 34. (June 16, 1860)—§ 41. He shall, on the first Monday of each month, report to the City Council a statement of all expenditures under his supervision for the preceding month, specifying the purpose of such expenditure, and the ward in which the same was made, and, if required, the person to whom made. No account presented or certified shall be allowed, or warrant issued thereon, unless it shall be so rendered as to show to what account and ward it is chargeable.

SEC. 35. (June 16, 1860)—§ 42. The City Supervisor shall cause all ordinances in relation to the streets and alleys, and sidewalks, to be enforced, and shall prosecute all violations thereof. He shall obey all such orders, general or special, as he may receive from the City Council, the Committee on Streets and Alleys, or the Mayor, and for refusal or willful neglect to perform any duty required of him by the charter, or any ordinance, he shall be subject to removal from office.

SEC. 36. (June 16, 1860)—§ 43. The City Council shall, as soon as practicable after the commencement of each fiscal year, appropriate from the general fund an amount to be expended in improving and repairing the streets and alleys, setting apart to each ward a sum equal, as near as may be, to the proportion of general taxes paid by such ward. Street taxes shall be exclusively expended in the wards in which the persons paying the same reside. The City Clerk shall credit each ward with the amount of such appropriation and street taxes paid, and charge it with the amount of all warrants drawn against it. The City Clerk shall immediately notify the Mayor, or City Council, when any such appropriation is exhausted, and thereafter no warrant shall be drawn against the same until the further order of the City Council; and no new contracts shall be let or improvements ordered, except for such repairs of the streets and alleys as may be actually necessary.

SEC. 37. (June 16, 1860)—§ 44. When any bridge, cross-walk, culvert, or other street work, shall be ordered by the City Council, the location and manner of constructing thereof shall be designated in the order. Cross-walks shall be constructed not less than three, nor exceeding eight feet in width, and shall be so laid as not materially

to obstruct the roadway; and when the width is not specified in the order, shall be laid to the width of six feet. They shall be laid with good, not less than two-inch, white or burr oak, poplar or pine plank, well spiked to suitable bearings, placed not exceeding six feet apart, when the plank run lengthwise with the sidewalk; and when the plank run across the sidewalk, then the bearings shall be at least two in number, and not more than five feet apart. Suitable aprons, of two inch plank, shall be laid, when necessary, of the width of the crossing, or, if the streets are planked, to the full width of the sidewalk. Culverts, unless otherwise directed in the order, shall be constructed of at least two-inch white oak or burr oak, pine or poplar lumber, well spiked and tied to a substantial framework, and of sufficient size and capacity to admit the passage and carry off the water as fast as it may flow, shall be covered with at least three-inch plank. All ordanances and parts of an ordinance in conflict with this ordinance are hereby repealed.

CHAPTER XVI.

ORDINANCES.

AN ORDINANCE in Relation to Ordinances of the City, and their Construction and Effect in Certain Cases.

I. *Repealing Ordinance, Effect of.*
II. *Conflicting Ordinances, Effect of.*
III. *Court, how Construed.*
IV. *Ordinances, Revived how.*
V. *Numbers and Sex, Explanation of.*
VI. *Month, what is.*
VII. *Duties of Mayor; that of Pro tem, etc.*
VIII. *Rules of Construction, etc.*
IX. *Fines, not Released by Repealing, etc.*
X. *Election under which Section of, to Prosecute.*
XI. *Reasonable Time, how Construed.*
XII. *Ordinances Recorded, Published, etc.*
XIII. *Same, Clerk to Keep Files of.*
XIV. *Same, to be in Force after Publication.*

SECTON 1. (June 20, 1860)—§ 1. *Be it ordained by the City Council of the City of Champaign*, That when any ordinance, or part of an ordinance, shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified, shall continue in force until the due publication of the ordinance repealing or modifying the same, unless it shall be therein otherwise expressly provided.

Ibid. SEC. 2. When the provisions of different ordinances, or of the different chapters of any ordinances conflict with or contravene each other, the provisions and rquirements of each ordinance or chap-

ter shall prevail as to all subjects, matters and questions arising out out of or embraced within the subject matter thereof. But if different provisions be found in different sections of the same ordinance, the provisions of the section which is last in numerical order shall prevail, unless such construction would be repugnant to or inconsistent with the meaning of such ordinance or chapter.

Ibid. SEC. 3. The word "COURT," when used in any ordinance, shall be construed to mean any court of competent jurisdiction, whether Police Magistrate's Courts, Justices of the Peace, or courts of record.

Ibid. SEC. 4. No ordinance, or part of any ordinance, repealed by any other ordinance, shall be revived by the repeal of the repealing ordinance, unless it shall be therein otherwise expressly provided.

Ibid. SEC. 5. When, in any ordinance, words importing the singular number are used in reference to any person or subject matter, such words shall be deemed to extend to and embrace several persons, matters or subjects; and words used collectively, or importing the plural number, shall be deemed to etxend to and embrace any singular person, matter or subject, as well as to several; and when any person or subject matter shall be named, referred to, or described by words importing the masculine gender, or by general terms, females as well as males shall be deemed included in the meaning and terms thereof; and the words "PERSON" or "PERSONS," or words importing any person or persons, shall be deemed to include corporations as well as individuals.

Ibid. SEC. 6. The word "MONTH," when used in any ordinance, shall be construed to mean a calendar month; and the word "OATH" shall be deemed to include an affirmation; and the word "SWORN" to mean sworn or affirmed.

Ibid. SEC. 7. When any duty shall be required of, or power vested in the Mayor, the same shall be deemed to extend to and embrace, and may be exercised by the *acting* Mayor, or Mayor *pro tem.* also; and when any duty shall be required of, or power vested in the City Marshal, the same shall be deemed to extend to and embrace, and may be exercised by Police Constables, unless such construction would be contrary to the terms of the ordinance, or in derogation of the city charter.

Ibid. SEC. 8. The rules of construction herein prescribed shall apply in all cases, unless it shall be otherwise expressly provided in the ordinance, or unless there be something in the subject matter or context thereof repugnant to such construction. And all general terms, provisions, phrases or expressions, used in any ordinance, shall be liberally construed, in order that the true meaning and intent of the City Council may be carried out.

Ibid. SEC. 9. No fine, forfeiture, penalty, right, action, suit, debt, or other liability whatever, created, instituted, incurred, or accrued, by or under any ordinance prior to its repeal or modification,

shall be released, discharged annulled or repealed, or in anywise affected by the passage of such repealing or modifying ordinance; but the same may be prosecuted, recovered or enjoyed, or any suit or other proceeding be commenced or completed thereon, as fully and in the same manner in all respects as if such ordinance, or part thereof, had remained in full force, unless it shall be otherwise expressly provided in the ordinance making such repeal or modification.

Ibid. SEC. 10. When any fine or penalty shall be imposed by different ordinances, or sections or clauses of different ordinances, for the same offense, the officer or person prosecuting may choose under which ordinance or section to proceed, and a recovery under the same shall be a bar to any further proceedings, under any other provision, for the same offense.

Ibid. SEC. 11. When, in any ordinance, any act shall be required to be done within a "*reasonable time*," or upon a "*reasonable notice*," such reasonable time or reasonable notice shall be deemed to mean such time only as may be necessary in the prompt execution of such duty, or compliance with such notice.

Ibid. SEC. 12. All ordinances passed by the City Council shall be enrolled by the City Clerk in the record book of ordinances, and shall be properly indexed by their titles or subjects; and he shall, without delay, cause all ordinances to be published in the newspaper authorized to publish the ordinances of the city, with his certificate, under the corporate seal (if any) attached, that the same is a "true and authentic copy of the original ordinance (or ordinances), and that it is printed and published by authority of the City Council." He shall procure the affidavit of the printer, or the publisher, of the newspaper publishing the ordinances of the city, of the due publication of such ordinance, and attach the same to the original ordinance; or he may write and attest such affidavit, or any other competent proof of such due publication, upon the face of the record of ordinances.

Ibid. SEC. 13. The City Clerk shall file and preserve the originals of all ordinances in his office, and he may correct any errors in the numbering of any chapter or section of any ordinance, and insert the proper numbers; and he may omit words inserted, or supply with brackets words omitted, by clerical mistake. He shall attend to the printing of all ordinances requiring publication, or ordered to be published, and read the proof sheets thereof, and see that they are correctly and properly printed and published.

Ibid. SEC. 14. All ordinances passed by the City Council, and requiring publication, shall be in force from and after the due publication thereof, unless it shall be therein otherwise expressly provided. All ordinances, or parts of an ordinance, in conflict with this ordinance, are hereby repealed.

CHAPTER XVII.

Police Department.

AN ORDINANCE Organizing and Establishing the Police Department.

I. *Police Department, how Composed.*
II. *Police Constables, Appointed, how.*
III. *Watchmen, Appointed when.*
IV. *Oath and Bond of Policemen.*
V. *Mayor, to Supervise Department.*
VI. *City Marshal, Chief of Police.*
VII. *Members of Police, their Powers, Duties, etc.*
VIII. *May enter House on Suspicion.*
IX. *Police Constable may Serve Papers, when.*
X. *Process to be Served by City Officer.*
XI. *Penalty for Violation of Sec.* 10.
XII. *City Supervisor may Arrest, when.*
XIII. *Temporary Watchmen, when Appointed.*
XIV. *Police Magistrates, Suits Brought Before.*
XV. *Statements in Suits, Form of.*
XVI. *Non-residents, Arrested when.*
XVII. *Process, not Necessary when.*
XVIII. *Parties Arrested may Give Bail.*
XIX. *Officers, to be Witnesses when.*
XX. *Witnesses and Jurors, Fees of.*
XXI. *City Attorney, not Compelled to Prosecute, when.*
XXII. *Supervisor to Work Prisoners on Streets.*
XXIII. *To Prevent Escape, may Attach Ball & Chain.*
XXIV. *Refusal to Work, how Proceed.*
XXV. *Prisoners, Discharged when.*
XXVI. *Prisoners, to be Lodged and Fed, how.*
XXVII. *Officers to Make Report of Prisoners.*
XXVIII. *County Jail, to be Used when.*
XXIX. *Fees of City Marshal.*
XXX. *Police Magistrate, Report of, when Made.*

Division I.—Police Department Generally.

Section 1. (July 14, 1860)—§ 1. *Be it ordained by the City Council of the City of Champaign,* That the Police Department of the city shall consist of the Mayor, the Aldermen, and the Police Magistrate, who shall, *ex officio*, be members of the Police Department, the City Marshal, and such Police Constables and watchmen as may be appointed by the City Council.

Ibid. SEC. 2. The City Council may, annually, at the time of appointing the other city officers, or at any other time, appoint, by ballot, one or more Police Constables, not to exceed one for each ward, who shall, unless it may be otherwise specially provided, possess the same powers, perform the same duties, and be subject to the same liabilities as the City Marshal.

Ibid. SEC. 3. The City Council may, when deemed expedient, appoint, a competent number of watchmen, to continue in office during the pleasure of the City Council, and to be subject to removal at any time, by the Mayor, for good cause. The watchmen shall have and exercise all the powers, perform all the duties, and be subject to all the liabilities incident to the office by law, or such as may be prescribed by ordinance.

Ibid. SEC. 4. Each Police Constable or watchman shall, before entering upon the discharge of the duties of his office, take and subscribe the oath required by the city charter of other city officers, and may be required by the City Council to execute bond to the city, conditioned as in the case of other city officers, and in such sum and with such securities as they may prescribe by order or resolution. The bond and oath of office shall be filed in the office of the City Clerk. Watchmen and Police Constables shall receive such fees, salary or compensation as may be provided by the City Council.

Ibid. SEC. 5. The Mayor shall exercise a general supervision and control over the Police Department, and shall see that the various police officers are prompt and efficient in the discharge of their duties; and he shall, from time to time, take such measures for the preservation of the public peace and good order, and for the prompt and efficient execution of the laws of the State and the ordinances of the city, as may be deemed most expedient and best to accomplish the purpose contemplated.

Ibid. SEC. 6. The City Marshal shall be the Chief of Police, and all Police Constables and watchmen, except otherwise provided by ordinance, shall be subject to his direction and control. The Marshal and each Police Constable shall have a station in some central location, where he shall attend at all reasonable hours, except when absent on duty; and all police officers shall render prompt and efficient aid to each other in the discharge of his duties.

Ibid. SEC. 7. All members of the Police Department shall cause all the ordinances of the city to be observed and enforced, especially within their respective wards or districts. When any violation of law, or of any ordinance, shall come to the knowledge of any member of the Police Department, or be reported to him, he shall, without delay, cause the proper complaint to be made before a Police Magistrate, or other competent court, and the proper witnesses to be summoned, or evidence procured, for the successful prosecution of the offender. The Mayor, or any Alderman or Police Magistrate, may, and all other police officers shall, arrest, with or without process, any person who shall be found in the act of violating any ordinance of the city, and

commit him for examination, and, if necessary, detain him in custody over night, or over Sunday, or place him in the county jail, city prison, or other secure place, until he can be brought before the Police Magistrate, or other competent court.*

Ibid. SEC. 8. Any police officer shall have power, upon reasonable ground of suspicion, to enter peaceably, or, if refused or resisted, after demand made, by force, any house or other premises, in which any person may be suspected to be for unlawful purposes, and may arrest, without process, any person who may be found therein, guilty, or reasonably supposed to be guilty, of any criminal act, and detain him in custody, as in other cases, until he can be brought before a competent court or magistrate.

Ibid. SEC. 9. Police Constables shall have power and authority to serve and execute all process for the apprehension or commitment of all persons charged with the violation of any ordinance of the city, and in all cases arising under the charter or ordinances of the city, in the same manner and with the same powers as the City Marshal, and shall be entitled to receive the same fees as other constables under the laws of the State, or as the City Marshal for similar services.

SEC. 1. (Jan. 27, 1868)—§ 10. In all cases where any suit or suits, of any kind whatever, shall be commenced, wherein the City of Champaign is or shall be plaintiff or defendant, it shall be the duty of the Police Magistrate or any justice of the peace having jurisdiction within the City of Champaign, and who may be trying any such suit, or suits, to deliver to the Marshal, or a Police Constable of the City of Champaign, for service, all such summons, warrants, writs, subpenas, venires for juries, and executions, as shall or may be required by either party, in any such suit or suits, and it shall thereupon be the duty of the City Marshal or Police Constable, to whom any such as aforesaid shall be delivered, to promptly, and without delay, serve such writs or other process, according to the command thereof, and make due return of the same; *Provided*, that in the absence of the City Marshal and the Police Constables, then it shall be the duty of the Mayor to appoint some competent person to serve any and all such process as may be required.

SEC. 2. (Jan. 27, 1868)—§ 11. Any officer violating any of the provisions of section one of this ordinance, shall be fined in any sum not less than ten, nor more than fifty dollars, for each offense.†

SEC. 10. (July 14, 1860)—§ 12. The City Supervisors shall have power to arrest, without process, in the same manner as police officers, all persons who may be found violating any ordinance in relation to streets, alleys or sidewalks.

SEC. 11. (July 14, 1860)—§ 13 Whenever the Mayor and the Committee on Police shall deem it necessary to establish a temporary night watch, or temporarily to increase the number of watchmen or Police Constables, they may appoint, in writing, under the corporate

* The City Marshal has power to arrest, without warrant, any offender, for the violation of any penal ordinance, committed in his presence. Bryan *vs.* Bates, 15 Ill., 87; Main *vs.* McCarty, 15 Ill., 441.

† Refers to § 10.

seal and signature of the Mayor, a suitable number of temporary watchmen, or policemen, whose powers, duties and liabilities shall be the same as other watchmen and Police Constables, and who shall take and subscribe the same oath, and may be required to execute bond to the city in like manner. The persons so appointed shall receive such compensation as may be agreed upon, or as may be provided by the City Council, and the City Council may continue or discontinue the same in its discretion.

DIVISION II.—POLICE MAGISTRATES.

SEC. 12. (July 14, 1860)—§ 14. All suits or actions for the recovery of any fine, penalty or forfeiture, arising under the city charter, or the ordinances of the city, where the amount sued for, or in controversy, does not exceed one hundred dollars, may be brought before any Police Magistrate of the city, or before any justice of the peace in the city, designated by the City Council.

SEC. 13. (July 14, 1860)—§ 15. Before any suit shall be brought in the name of the city by any Police Magistrate, or justice of the peace, for any fine or penalty, the City Attorney, or other officer or person prosecuting, shall file a statement, signed by him, substantially as follows, to-wit:

"*A. B.,*
"*To the City of Champaign,* *Dr.*
"*To —— dollars, for a violation of the —— section (or sections) of an ordinance of the City of Champaign, entitled (here set forth the title of the ordinance), passed on the — day of ——, 186— (or of the city charter, as the case may be), in this, to-wit: that the said A. B., on or about the — day of ——, A. D. 186—, before the commencement of this suit, did, at the City of Champaign (or within the jurisdiction of said city), (here state the particular violation or violations complained of, as near as may be, in the language of the ordinance or city charter).*
"*Signed,* *C. D.*"

SEC. 14. (July 14, 1860)—§ 16. Upon affidavit being made by any person, of the violation of any ordinance by any other person, stating the nature of the violation, and that the offender is a non-resident of the city, or is about to leave or remove from the city, or that there is otherwise danger that the debt or penalty will be lost to the city, unless the defendant be arrested and held to bail, stating the cause of such danger, to the satisfaction of the court; or, if it shall appear from the affidavit that the offense committed is an assault, breach of the peace, or other offense in which a warrant is authorized to be issued by the laws of the State, a warrant may be issued for the person accused as in other cases.*

SEC. 15. (July 14, 1860)—§ 17. No process shall be necessary where the person is legally arrested without warrant, and brought before the court; but the officer making the arrest shall, unless waived by the person arrested, return a written statement of the cause, time and place of arrest, and a note thereof shall be entered upon the

*See Gross' Statutes, 1871, § 119, page 407; also same, § 28, page 396; also *ex parte* Smith, 16 Ill., 347, and McKindley *vs.* Rising, 28 Ill., 337.

docket of the court, but in all cases the statement required by the thirteenth section hereof, shall be made out, signed and filed as therein described.

SEC. 16. (July 14, 1860)—§ 18. Any person who may be arrested by, or in the custody of an officer, for the violation of any ordinance of the city, may release himself from custody or imprisonment by entering into bail or recognizance before such officer or before any Police Magistrate, in such amount or with such surety or sureties as may be required of him, and conditioned that he will appear before the Police Magistrate or court, named therein, at the time named therein, and remain and answer the offense with which he stands charged, and await his trial thereon, and not depart the court without leave. The amount of the penalty of the bond or recognizance shall be proportioned to the offense charged, and such bond or recognizance shall be filed with the magistrate or court named therein, by the officer taking the same; and if the offender shall fail to appear, or shall otherwise fail to comply with the conditions thereof, the same shall be adjudged forfeited, and suit shall forthwith be brought thereon against the offender, and his surety or sureties, for the full amount of the penalty thereof, and judgment shall be rendered by the court for the same and all costs, or for so much of said penalty as may be adjudged just and proper, upon examination of the facts of the case.

SEC. 17. (July 14, 1860)—§ 19. All officers making arrests shall attend as witnesses before the Police Court, and shall procure all necessary evidence in their power, and furnish a list of all witnesses to the court or to the City Attorney.

SEC. 18. (July 14, 1860)—§ 20. Witnesses and jurors attending before any Police Magistrate, in any suit or action for any fine or penalty arising under the ordinances of the city, shall, in case judgment is obtained against the offender and collected of him, be entitled to the same fees as in like cases before justices of the peace; but no costs of any kind shall be taxed against or collected of the city.

SEC. 19. (July 14, 1860)—§ 21. The City Attorney shall not be compelled to bring or prosecute any suit in any case where he and the court may be satisfied that the complaint is instituted maliciously or vexatiously, and without any probable cause, and that the interests of the public, or of the city, will not be subserved thereby; and if any person, charged with any offense, shall, upon his trial therefor, be acquitted, and it shall satisfactorily appear to the court that the complaint or prosecution was instituted maliciously or vexatiously, and without probable cause, judgment may be rendered against the complainant or prosecutor for the costs arising in the case, and execution issued for the collection of the same.

SEC. 20. (July 14, 1860)—§ 22. When any person shall be committed by any court or Police Magistrate, for the non-payment of any fine or penalty, the City Marshal or any Police Constable may take such person from the county jail, or other place of confinement, and deliver him, with a copy of the execution, and with the amount

of fine and costs, into the custody of the City Supervisors, or either of them, or any other person having charge of any of the public works of the city; and the Supervisor, or such other person, shall receive the person so committed into his custody, and receipt for him, and shall enter in a book the amount of the fine and costs, and the number of days which the person will be required to labor to discharge the same, at the rate of one dollar for each day he shall diligently labor; and he shall compel such person to labor on the streets and alleys, or any other public works of the city, for ten hours in each day, and shall credit him with one dollar for each day he shall so diligently labor, and shall discharge him when he shall have labored out his fine and costs.

SEC. 1. (May 19, 1868)—§ 23. When any person is delivered to the City Supervisor, or any person having charge of any of the public works of said city, in pursuance of section twenty of the ordinance to which this is an amendment, for the purpose of being compelled to labor, in pursuance of said section, that said Supervisor or other person may, if in his or their judgment necessary to enforce obedience, or prevent escape, secure the person so required to labor, by fastening to the leg, immediately above the ankle, a chain with a ball attached, of sufficient weight to prevent the escape of such person, and the person so required to labor shall wear such ball and chain during the time he is out of confinement, for such purpose; but said Supervisor or other person shall not, in fastening upon or removing said ball and chain from such person, wound or bruise the flesh of such person, or thereby be guilty of any personal violence or cruelty to such person, under a penalty of not less than twenty-five dollars for each offense.

SEC. 21. (July 14, 1860)—§ 24. Any person so committed who shall refuse to labor, or who shall conduct himself in a riotous manner, or shall refuse to obey the orders of the Supervisor, or other person having him in charge, or shall resist him, or attempt to escape, shall not be entitled to any credit on his [fine], and may be recommitted to the county jail, or other safe place of confinement, until he shall consent to labor. If any such person shall escape he shall forfeit the whole of his labor performed, and if retaken shall work out the whole amount of the fine and costs for which he was originally committed.

SEC. 22. (July 14, 1860)—§ 25. Any person committed may, any time, pay the amount of the execution and costs, and upon the payment being made, or upon his working out the amount of the fine and the costs against him, or otherwise being entitled to his discharge, the Marshal, Supervisor, or other officer or person having him in custody, shall, if required, give him a written discharge and set him at liberty.

SEC. 23. (July 14, 1860)—§ 26. The Supervisor, or other officer or person, having any person so committed into his custody for the purpose of laboring out his fine and the costs, shall furnish him with comfortable lodging and plain, wholesome food, for which he shall be

allowed forty cents a day, to be paid by the person so committed; and if he shall not pay the same it shall be paid by the city, and charged to him and labored out in the same manner as his fine, or he may commit such person to the county jail or other secure place for safe keeping, when not laboring, and take him therefrom each day for the purpose of laboring.

SEC. 24. (July 14, 1860)—§ 27. The Supervisor, the Marshal, or other officer having such person in custody, shall, from time to time, report to the City Council the names, the amount of the fine, the manner of discharging the same, and the number of days' labor performed; and if any person so committed shall escape, the officer or person having him in custody shall immediately notify the Mayor and Marshal thereof, giving the Marshal a description of such person.

SEC. 25. (July 14, 1860)—§ 28. Until a city prison shall be provided or established by the City Council, any person arrested or in custody for the violation of any law or ordinance of the city, may be placed in the county jail of the county of Champaign for safe keeping, until he can be brought before a competent court or magistrate, and any person committed in default of the payment of any fine, forfeiture or penalty, and costs recovered against him, may be confined in such county jail, subject to labor as herein required.

SEC. 1. (June 15, 1861)—§ 29. The City Marshal, or any other Constable, shall be allowed ten per cent. on all fines prosecuted by them, and collected and paid over to the City Treasurer, in lieu of all costs and charges against the city.

SEC. 27. (July 14, 1860)—§ 30 Any Police Magistrate or other officer collecting fines or moneys on account of the city, shall pay the same into the city treasury as fast as collected. The Police Magistrate before whom any suit or suits may be brought, in the name of the city, for the recovery of any fines or penalties, shall, quarterly, on the first Mondays of March, June, September and December, in each year, report to the City Council a list of all the suits brought in the name of the city, since his last report, with the disposition made of each case, the amount of the fine imposed, if any, the name of the officer charged with the collection of the same, by whom, and the amount collected, and the amount of percentage due to such officers; also, the amount collected since his last report, upon any judgment, for any fine rendered prior to such report, with the amount of the percentage due the proper officer thereon; and, upon the approval of his report, the City Council shall order the amount of percentage to be paid to the officer entitled thereto.

If any Police Magistrate shall neglect or refuse to hold a Police Court at any reasonable time, when required, or shall refuse to accept any allowance made by the City Council, in lieu of all costs and charges against the city, or shall neglect or refuse to pay over any moneys collected by him, or make his quarterly report as is herein required, the City Council may order all suits, in the name of the city,

for the recovery of any fine or penalty, to be brought before some other Police Magistrate, or justice of the peace, who shall agree to comply with the requirements hereof, and before whom all suits, in the name of the city, for the recovery of any fine, forfeiture or penalty, shall be brought.

If any Police Magistrate, or other officer, shall neglect or refuse to pay over any fine, or any moneys collected by him, on account of the city, legal proceedings may be commenced at any time to compel such payment.

CHAPTER XVIII.

RAILROADS.

AN ORDINANCE in Relation to Railroads.

I. *Rate of Speed in City.*
II. *Crossings, Cars not to Stop on.*
III. *Proceedings against, how Conducted.*
IV. *Fines, how Collected.*

SECTION 1. (Nov. 25, 1863)—§ 1. *Be it ordained by the City Council of the City of Champaign,* That no train, locomotive, cars or car, shall be run upon any railroad, railroad switch or side-track, within the corporate limits of said city, by any person or persons, at a rate exceeding five miles an hour, under the penalty of a fine of not less than twenty-five dollars for each offense.

Ibid. SEC. 2. That no train, locomotive, cars or car, shall be allowed to stand upon any railroad, railroad switch or side-track, within the corporate limits of said city, where there is a street of said city crossing such railroad, railroad switch or side-track, for more than five minutes at one time, under a penalty of not less than twenty-five dollars' fine for each offense.

Ibid. SEC. 3. That if the owner of any such railroad, railroad switch or side-track, upon which offenses may be committed, as mentioned in sections first and second of this ordinance, be a corporation, it shall be liable to a fine, the same as an individual, and the suit shall be commenced against such a corporation in its corporate name; and service upon any of its agents, clerks or authorized officers, by leaving a copy of the writ with such agent, clerk or authorized officer, will be sufficient to maintain the suit, and such corporation shall be fined according to the provisions of said first and second sections: *Provided,* that if the owner of any such railroad, railroad switch or side-track, upon which offenses may be committed, as mentioned in said sections first and second of this ordinance, be not a croporation, that then the person or persons connected with such train, locomotive, cars or car.

as conductor, engineer or superintendent, shall be arrested and fined, as provided by said sections, according to the offense, the proceedings being the same as required in cases of ordinary violation of the city ordinances of said city.

Ibid. SEC. 4. That if a corporation is fined under the provisions of this ordinance, such fine may be realized by a levy upon and sale of any personal property within the corporate limits of said city, belonging to such corporation, the execution and the proceedings thereunder being the same as by law is required under an execution issuing from a justice of the peace in this State.

CHAPTER XIX.

SEAL.

AN ORDINANCE Defining and Establishing the Corporate Seal of the City.

I. *Seal Described.* | II. *Official Paper to be Sealed by Clerk.*

SECTION 1. (June 16, 1860)—§ 1. *Be it ordained by the City Council of the City of Champaign*, That the corporate seal of the City of Champaign shall be of circular shape, with the words—"CORPORATE SEAL OF THE CITY OF CHAMPAIGN, 1860"—engraved on the face thereof.

Ibid. SEC. 2. The City Clerk shall prepare all commissions, or other official documents, required to be issued, and affix the corporate seal thereto, and attest or countersign the same. He shall affix the corporate seal to all official acts of the Mayor requiring it, and, if necessary, attest or countersign the same. He shall certify, under the corporate seal, copies of all records, documents or papers in his office, when required by any officer or other person. But in no case shall the impression of the corporate seal be binding upon the city, unless it be authorized by the charter or ordinances of the city, and is attested by the signature of the City Clerk.

CHAPTER XX.

SEWERS.

AN ORDINANCE in relation to Sewers, and Establishing the First Sewerage District.

I. *Sewers, Petition for and Construction of.*
I. *Same, Cost of, how Paid.*
II. *Same, may Borrow Money for and Issue Bonds.*
II. *Same, Name of Bonds and when Payable.*
III. *Same, Bonds for, how Paid.*
IV. *Same, " Interest on, how Paid.*
V. *Same, City Engineer to Report of.*
VI. *Same, Material of and Construction of.*
VI. *Same, Lateral, how Constructed.*
VII. *Private Property, how Drained.*
VIII. *Intersections of Sewers, how.*
IX. *Sewers, Repairs upon, how Made.*
X. *Private Drains, how Made.*
XI. *Sewers, Cesspools not to be Drained into.*
XII. *Petitions for, to be Filed.*
XIII. *Sewers, Map of, Kept by Engineer.*
XIV. *First Sewerage Dist., Limits of.*

SECTION 1. (May 15, 1862)—§ 1. *Be it ordained by the City Council of the City of Champaign,* That whenever a majority in number of the owners of the real estate situated and embraced in any sewerage district, established by ordinance, shall petition to the City Council for the construction, extension, enlargement or alteration of any sewer, or part of a sewer, within such district, the City Council may, by ordinance, order and direct and provide for the construction, extension, enlargement or alteration of such sewer, or part of a sewer, by letting the same by contract, in the same manner as the other public works of the city, or in such other manner as may be prescribed. And to defray the costs of the construction, extension, enlargement or alteration, a tax not exceeding five mills on the dollar, per annum, shall be annually assessed upon the real estate within such sewerage district, according to the assessed valuation thereof, and collected in the same manner as other general city taxes, until the total cost of the construction of such sewer, or the debt with the interest thereon which may be incurred therefor, shall be fully paid, and such tax shall be a lien upon the real estate of the district in which it is levied and assessed.

Ibid. SEC. 2. The Mayor, when authorized by ordinance, may, with the concurrence of the Committee on Streets and Alleys, borrow money upon the credit of the city to such amount as may be necessary to defray the cost of the construction of the sewers ordered in any sewerage district of the city, and issue, sell or dispose of the bonds of the city therefor to the best advantage. Such bonds shall be designated "sewer bonds" of District No. — (according to the

number of the district for which the same were issued) and shall be dated the day of issuing or delivery thereof, and signed by the Mayor and City Clerk, under the corporate seal, and shall be payable, either in gross or by installments, in not less than two nor exceeding ten years, and bear interest at not exceeding the rate of interest authorized by the city charter, payable as may be agreed upon, not oftener than semi-annually, and the principal and interest payable at such place within the United States, to be named on the bond, as may be agreed upon.

Ibid. SEC. 3. The principal and interest which may become due upon such bonds shall be payable from the special tax of five mills to the dollar per annum upon the assessed valuation of all the real estate within such sewerage district, which tax shall be thereafter annually assessed and levied thereon, and collected therefrom, until the whole of the principal and interest accruing and due upon such bonds shall be paid. The proceeds arising from the sale or disposition of such bonds shall be paid into the city treasury, to the credit of the sewerage district for which the bonds were issued or sold, and shall be exclusively expended and applied toward the construction of the sewers ordered in such district.

Ibid. SEC. 4. The City Clerk shall annually enter, in the appropriate column, in the Assessor's and Collector's warrant, the tax of five mills to the dollar upon the assessed valuation of all the real estate within any sewerage district herein provided for, or such percentage thereof as may be necessary to meet the payment of any installment of principal and interest for that year, and such tax shall be collected by the Assessor and Collector in the same manner in all respects as general taxes, and paid into the city treasury to the credit of the sewerage district paying the same, and the Treasurer shall keep a separate account thereof.

Ibid. SEC. 5. The City Engineer, or other officer having charge of the construction of any sewer, shall, from time to time, when required by the City Council or Mayor, report the costs and progress thereof, and he shall, without delay, after the completion of such sewer, report the total costs thereof to the City Council. The City Clerk shall keep a separate account with each sewerage district, and such district shall be charged with all the expenditures made on account of the construction of sewers therein, and credited with all taxes or moneys received on account thereof.

Ibid. SEC. 6. All sewers ordered and provided for by the City Council shall be constructed of such form, dimensions and material, of the best quality, laid in such manner, and to such thickness, and grade and depth below the surface as the Committee on Streets and Alleys may prescribe, or as may be provided by ordinance. All sewers shall be laid to such depth below the grade of the streets as will effectually drain such lateral sewers as may be conducted thereinto, and the cellars and grounds of the lowest part of the district in which they may be located; and suitable wells, "man-holes," stench-traps and

inlets, properly secured with coping-stones, iron grates or plate-covers, shall be constructed, when necessary, at proper intervals. If any sewer will probably require to be extended, or the construction of lateral sewers leading thereinto, it shall be built with reference to such extension or lateral sewers, and suitable openings shall be left in the sides of such sewer, at and under the intersections of the streets crossing the same, to admit of the proper connection with such lateral sewers as may thereafter be constructed in such cross streets; such opening shall be sustained by a brick arch or ring, and the spaces filled with brick, so laid as to be capable of removal without impairing the sewers or arch; for the purpose of carrying off surface drainage, suitable graded openings shall be made at proper distances; such openings shall be securely roofed or covered with cast iron, or stone, or other suitable materials, and shall connect with pipes or lateral drains of such construction and dimensions, laid with such descent or grade as will carry all the surface water into the sewer.

Ibid. SEC. 7. The drainage of all private property into the sewers constructed by the city shall be effected by lateral sewers, of a good and substantial construction, or by suitable conduct pipes, of iron or other suitable material, which shall, in all cases, be made under the superintendence of or by the City Supervisor or the City Engineer, at the cost of the person applying therefor; and, when constructed by the City Supervisor or by the City Engineer, the officer constructing the same shall require the person applying for the same to deposit, in advance, the probable cost thereof with the City Treasurer, or give bond, with such sureties as he (the City Treasurer) may approve, conditioned for the prompt payment of the reasonable and proper costs of such private drain or sewer, upon the completion thereof.

Ibid. SEC. 8. All lateral sewers, at their intersection with the main sewer, shall, if necessary, be covered toward the lower end of the lateral sewer, so as to lessen the obstruction of the current in the main sewer by the influx from the lateral sewer.

Ibid. SEC. 9. All repairs which may become necessary to any main or lateral sewer (except private sewers) in any sewerage district, shall be made at the expense of the real estate in such district, and such costs and expenses shall be levied and assessed against and collected of the real estate in such district according to the assessed valuation thereof, in the manner herein prescribed for the construction of sewers.

Ibid. SEC. 10. No person shall construct, or cause or permit or procure to be constructed, any private drain or sewer, from any premises or otherwise, and leading into any sewer built by the city, without the consent of the City Supervisor or City Engineer, or unless under the supervision of some one of them, or otherwise than in the manner directed by one of them, under a penalty of not less than twenty-five dollars; and such person shall likewise be liable for all damages to any public sewer which may arise from the building of such unauthorized private sewer or drain.

Ibid. SEC. 11. No privy or cesspool shall be drained or emptied into any public sewer, under a penalty of not less than fifty dollars for each offense, and a like penalty for each week the same may be continued.

Ibid. SEC. 12. All petitions of the owners of real estate in any sewerage district, for the construction of sewers therein, shall be filed and preserved by the City Clerk in his office.

Ibid. SEC. 13. The City Engineer shall keep a map in his office, upon which shall be platted and shown the sewerage districts, numbered as herein required, with the location of the sewers therein, and their dimensions, openings, inlets and connections.

SEC. 1. (Oct. 28, 1871)—§ 14. All the lands, lots and real estate, lying within the following boundaries, to-wit: Commencing at the southeast corner of lot number nine (9), in block number ten (10), in railroad addition to Urbana, now in the City of Champaign, Champaign county, Illinois, running thence northwesterly with the north line of Second South street, to the southwest corner of lot number three (3), in block number nine (9), of said addition; thence in a line north to the northwest corner of said lot number three (3), in said block number nine (9), of said addition; thence northeasterly in a line diagonally across an alley, to the southwest corner of lot number one (1), in block number nine (9), aforesaid; thence northeasterly to the southwest corner of lot number one (1), in block number eight (8), of said addition; thence in a line northwesterly to the southwest corner of lot number four (4), in block number eight (8), of said addition; thence north to the northwest corner of said lot number four (4), in said block number eight (8); thence northeasterly, in a line across Main street, to the southwest corner of lot number fifteen (15), in block number three (3), of said addition; thence in a line northeasterly, to the northwest corner of said lot number fifteen (15), in said block number three (3); thence in a line southeasterly, to the northeast corner of said lot number fifteen (15), in said block number three (3), of said addition; thence in a line northeasterly, across a street to the northwest corner of lot number thirteen (13), in block number three (3), in said addition; thence in a line southeasterly, to the northeast corner of said lot number thirteen (13); thence in a line easterly, to the northwest corner of lot number one (1), in block number nineteen (19), in Illinois Central Railroad Company's second addition to Urbana, now in the City of Champaign; thence southeasterly, in a line to the northeast corner of lot number seven (7), in said block number nineteen (19), in said second addition; thence in a line southwesterly, diagonally across Main street, to the northeast corner of lot number twelve (12), in block number seven (7), in said railroad addition; thence in a line soutwesterly, to the place of beginning—shall constitute and be designated the First Sewerage District of the City of Champaign.

CHAPTER XXI.

SIDEWALKS.

AN ORDINANCE in relation to Sidewalks.

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XXI. *Repairs in Sidewalks, how Proceed.*
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SECTION 1. (Oct. 31, 1868)—§ 1. *Be it ordained by the City Council of the City of Champaign,* That all sidewalks shall be laid to the established grade, or, if no grade shall be established, to such temporary grade as may be given by the City Engineer. They shall be built of good sound pine plank, not less than two inches in thickness, laid crosswise with the sidewalk [unless otherwise especially directed in the order], and firmly set upon and well spiked to suitable bearings or stringers, of not less than two by four-inch scantling, so supported, let into the earth, filled in between, or supported by posts, so as to form a substantial, even grade; and all sidewalks shall be laid with a slope towards the curb, or outer edge thereof, of one-third of an inch to the foot. Suitable wagon-crossings, of at least five feet in width, and extending across the street or alley, shall be constructed, when necessary, of at least two-inch plank, laid evenly and lengthwise with the sidewalk.

Ibid. SEC. 2. The City Supervisors shall superintend the construction of all sidewalks, and shall require them to be built of the materials, and in the manner herein prescribed; and if any sidewalk shall not be so constructed and laid in compliance herewith, and if the person whose duty it is to do the same shall neglect or refuse to comply with his order, he may cause such sidewalk to be properly relaid, without delay, and shall report the costs thereof to the City Council, as in other cases, or he may report such sidewalk to the City Council, in the same manner as if it had not been laid.

Ibid. SEC. 3. The City Council may, by the passage of an order, to be entered upon the journals by the City Clerk, require the sidewalks in front of or adjoining any premises (describing the same), along any streets, or parts of [a] street, to be laid, relaid, or widened to such width, and with such materials, and within such time, as may be designated in the order. Unless a different width shall be specified in the order, they shall be laid to the full width. The order may be substantially as follows, to-wit:

"*Ordered*, That a plank sidewalk [or sidewalks], —— feet wide, be, by the —— day of ——— next [or instant], constructed and laid, in conformity with the ordinance in relation to sidewalks, to [the established or temporary] grade, on the —— side of ——— street, in front of [or adjoining] the following described premises, to-wit: [here describe premises.]"

Ibid. SEC. 4. The City Clerk shall, without delay, after the passage of any order for sidewalks, give notice thereof by publishing, for three days at least, an advertisement in the newspaper publishing the ordinances of the city, stating in such advertisement the side of the street on which, and describing the premises in front of, or adjoining which sidewalk, such sidewalks are required to be laid, the day on or before which they are to be built, and the width, and less than the full width, and materials thereof. The notice may be substantially as follows, to-wit:

SIDEWALK NOTICE.

"Notice is hereby given, that the City Council of the City of Champaign has ordered a plank sidewalk, —— feet wide, to be constructed and laid to the established or temporary grade, on the —— side of ——— street, by the —— day of ——— next, in front of or adjoining the following described premises, to-wit: [here describe the lots.] Now, unless the same shall be built within the time and in the manner mentioned, and as required by the ordinance in relation to sidewalks, the City Supervisor will cause such sidewalks to be built, and the value of the benefits, if any, which may accrue to said premises, by reason thereof, will be assessed against the premises above described.

"CITY CLERK."

If other sidewalks have been ordered, they may also be embraced in the said notice.

Ibid. SEC. 5. The City Clerk shall also, without delay, after the passage of any order for sidewalks, cause a copy thereof to be delivered to the proper City Supervisor, who, upon the receipt of the same, shall, without delay, notify any known owner of each separate lot or premises, or his agent, or any other person whose duty it is, by any lease, contract or otherwise, to build such sidewalk; or, if no owner, or his agent, or other person liable therefor, can be found in the city, any occupant of the premises, by delivering to him (or each of them, in his discretion,) or leaving at his usual abode or place of business, with some clerk, partner, or member of the house or household, above the age of ten years, a notice describing the premises in front of or adjoining which the sidewalk is ordered, and stating the grade, width and materials thereof, and the day by which it is required to be laid; and if he shall neglect to notify any known owner, or his agent, or occupant, or other person, whose duty it is to build such sidewalk, as is herein required, he shall be subject to a penalty of five dollars in each case. The notice may be written or printed, or partly both, and may be substantially as follows, to-wit:

"CITY SUPERVISOR'S OFFICE,
Champaign, Ill., ———, 186—.

"To Mr. ——— ———:

"You are hereby notified that the City Council of the City of Champaign has ordered a plank sidewalk, —— feet in width, to be laid to [the established or temporary] grade, along the front [or —— side] of lot number —, of the original town (or of any addition thereto, as the case may be), in conformity with the ordinance in relation to sidewalks. Now, unless such sidewalk shall be constructed and laid in the manner required by ordinance, by the —— day of ——— next, or instant (the day to be thirty days at least from the delivery of the notice), the undersigned will cause the same to be constructed and laid, and will report the costs and expenses thereof to the City Council, and the value, if any, of the benefits of such sidewalk to said premises will be assessed against the premises herein described.

"CITY SUPERVISOR."

Ibid. SEC. 6. If the owner of any lot or premises, or his agent, or any person whose duty it is to build such sidewalk, is not a resident of the city, the Supervisor shall send such notice to him by mail, directed to him at the post office at which he usually receives his letters, if known; but the notice published by the City Clerk, in the newspaper publishing the ordinances of the city, shall be deemed a sufficient notice to all persons, whether resident or non-resident.

Ibid. SEC. 7. All sidewalks shall be built by the owner of the adjoining premises, or by any other person who may be liable to build the same, by any contract or agreement with the owner, or otherwise, within the time specified in the order of the City Council; or, if no time be specified in the order, within thirty days after the giving of the notice by the Supervisor, as is herein required; but if no owner,

or other person liable therefor, can be found by the Supervisor, they shall be built within the time specified in the notice published by the City Clerk, in the newspaper publishing the ordinances of the city, which time shall be at least thirty days after the last publication thereof.

Ibid. SEC. 8. If, at the expiration of the time of notice, any sidewalk shall not be built, the proper City Supervisor shall, without delay, report the same to the City Council, in writing; or, if any sidewalk which may be laid shall not be constructed and laid in compliance herewith, to his satisfaction, he may report the same in like manner. This report shall contain a list and description of each delinquent lot or premises, and shall state opposite thereto the name of each owner, or his agent, or the occupant, or other person liable, upon whom he has served notice, and the date and manner of service. If any owner is unknown and cannot be found, he shall state, owner "unknown," or "cannot be found," as the case may be. He shall obtain, and file with his report, a copy of the sidewalk notice published by the City Clerk, with the proper certificate of the printer of its due publication attached; and his report shall not be received or approved by the City Council, unless made as herein required.

Ibid. SEC. 9. The City Council may, at any time after the approval of the report of the Supervisor, pass an order requiring him, without delay, to cause the sidewalks to be constructed in front of or adjoining the premises mentioned in his report, and to report the costs and expenses thereof to the City Council. The order may be substantially as follows, to-wit:

"WHEREAS, The sidewalks fronting or adjoining the following described lots and premises, to-wit:

Names of Owners.	DESCRIPTION.			
	Lot.	Block.	Addition.	

Have not been constructed and laid in pursuance of an order passed ———, 186—, after due notice to the owners thereof, or their agents, or the occupants of the premises, or other persons liable therefor, as appears from the return of the City Supervisor; it is therefore ordered by the City Council, that the City Supervisor cause the same to be constructed and laid forthwith, in conformity with the original order, and report the cost and expenses thereof to the City Council.

Ibid. SEC. 10. The proper Supervisor shall keep an accurate account of the cost of each sidewalk built in front of or adjoining each separate lot or premises, under his supervision, by the order of the City Council, and he shall, as soon as the same may be completed, report such costs to the City Council, with the description of the lot or premises, and the name of the owner thereof, if known. This report may be substantially as follows, to-wit:

CHAMPAIGN, ——, 186—.

To the City Council of the City of Champaign:

In compliance with an order of the City Council, passed ——, 186—, the undersigned has caused a sidewalk (or sidewalks) to be constructed and laid fronting (or adjoining) the following described premises, at the costs and expenses set opposite to each, to-wit:

Name of Owner.	DESCRIPTION.				
	Lot.	Block.	Addition.	Costs.	

If the sidewalks shall be built in front of or adjoining several contiguous lots or premises, and the exact cost of such cannot be ascertained, he shall apportion the costs equitably, as near as may be, to each lot or premises.

SEC. 11. (Oct. 31, 1868)—§ 11. When any costs and expenses, necessarily made and expended in the construction of any sidewalk in front of or adjoining any delinquent premises, shall be reported by the proper City Supervisor to the City Council, and examined and approved by them, it shall be the duty of the City Council to appoint, on motion, three freeholders, residents of said city, commissioners, whose duty it shall be, after first being duly sworn, by any officer authorized to administer oaths, to faithfully and impartially discharge and perform the duties required of them by ordinance, to go upon said delinquent premises, and ascertain, and report in writing to the City Council, whether the benefits, if any, accruing to such premises, by reason of the construction of such sidewalk, are equal in value to the cost and expense of constructing said sidewalk, or whether said benefits, if any, are less in value than the cost of constructing said sidewalk in front of or across any lot or tract of land as aforesaid delinuqent.

It shall also be the duty of said commissioners to ascertain if any of the lots, parcels of land or premises, other than those across or in front of which said sidewalk is constructed, have been benefited by reason of such construction, and if so to go upon the same, ascertain the value of such benefits, and apportion the same to each lot or parcel of land separately, and report the same to the City Council, the amount of which benefits shall be assessed and levied against such premises, as and in the manner hereinafter provided for levying and assessing the value of benefits against premises, in front of or across which said improvement is made.

SEC. 1. (Sep. 25, 1869) — § 12. The commissioners provided for by section eleven of the above named ordinance, shall be chosen by ballot. That a majority of all the Aldermen authorized by law to be elected shall be necessary to a choice of such commissioners, and, before entering upon their duties, they shall give at least five days' notice, to all persons interested, of the time and place of their meeting for the purpose of viewing the delinquent premises, and making

their assessments, which notice shall be given personally, if the owners are residents and known, or by publication in the newspaper publishing the ordinances of the city, if non-residents or unknown. The commissioners shall view the premises, and may, in their discretion. receive any legal evidence, and may adjourn from day to day.

SEC. 12. (Oct. 31, 1868)—§ 13. It shall be the duty of the City Clerk to give to said commissioners, at the time of their appointment, a copy of the Supervisor's report, required by section ten hereof, and said commissioners shall report to the City Council, as well the cost of constructing said sidewalk in front of or across any lot or ground, as the value of the benefits accruing to such lot of ground or other premises by reason thereof, which report may be in the following form:

To the City Council of the City of Champaign:

The undersigned commissioners, heretofore appointed by your honorable body, to ascertain the value, if any, to the premises herein described, of the sidewalk built adjacent to the same by order of your honorable body, dated ———, 186—.

Name of Owner.	Lot.	Block.	Addition.	Cost	Benefits.	Beg leave to report as follows.

.....
.....
.....
} Commissioners.

And if it shall appear, from the report of said commissioners, that the benefits to any lot or tract of ground, by reason of constructing a sidewalk in front of or across the same, or other premises, are equal in value to the cost of building such sidewalk, the City Council shall, by an order to be entered upon the records of the city, levy and assess the whole of such costs and expenses against the premises chargeable therewith, and direct that a warrant issue for the collection of the same, returnable within sixty days from the date thereof; but if it shall appear, from the report of said commissioners, that such lot or tract of land is not benefited, by reason aforesaid, then no part of the cost of constructing such sidewalk shall be assessed against any such lot or tract of ground; but if it shall appear from such report that such premises are benefited, and that such benefits are less in value than the cost aforesaid, then the City Council shall, by order aforesaid, levy and assess the amount of the benefits so found against the premises chargeable therewith, and no more, to be collected by warrant as aforesaid. The order shall contain a correct list of the lots and premises, with the name of the owner thereof, if known, and with the amount assessed against each set opposite thereto, and may be in the following form:

Ordered by the City Council of the City of Champaign, that the several sums set opposite to the following described lots respectively, to-wit:

Names of Owners.	DESCRIPTION. Lot.	Block.	Addition.	Costs.	Assessment.	

Being the value of benefits, as found and reported to the City Council, accruing to the premises above described, by reason of the construction of a sidewalk by said City Supervisor, adjacent to said premises, in pursuance of an order of said City Council, passed on the —— day of ———, 186—, after failure of the owner thereof, or the person liable therefor, to do the same, after due notice, be and the same are hereby levied and assessed against each of the said lots or premises, and that a warrant issue for the collection of said assessment, returnable within sixty days from the date thereof.

SEC. 13. (Oct. 31, 1868)—§ 14. The City Clerk shall, without delay, after the passage of the order or resolution of assessment, make out and deliver to the Assessor and Collector a warrant for the collection of the assessments, signed by the Mayor and himself, under the corporate seal, and containing a true copy of the order or resolution of the City Council, and returnable within sixty days from the date thereof. The warrant may be substantially as follows, to-wit:

STATE OF ILLINOIS, }
CITY OF CHAMPAIGN. } ss.

The People of the State of Illinois, to the City Assessor and Collector of the City of Champaign:

WHEREAS, The City Council of the City of Champaign did, on the —— day of ———, 186—, by the passage of an order, levy and assess against the lots and premises hereinafter described, the several sums set opposite to each respectively, being the value of benefits found to accrue to said lots and premises, by reason of constructing and laying the sidewalk in front of or adjoining said premises, by the City Supervisor, as reported to said City Council by the commissioners appointed to ascertain and determine the same, which said order is in the words and figures following, to-wit:

[Here insert a true copy of the order of assessments, with a blank column for payments].

Now, therefore, you are hereby commanded to make levy and collect the several sums of money set opposite to each of the lots or tracts of land hereinbefore described, as the assessment against the land, of the goods and chattels of the respective owners thereof, and make due return in what manner you have executed this warrant, within sixty days from the date hereof.

(SEAL) Witness ——— ———, the Mayor, and corporate seal of said city, this —— day of ———, 18—.

—— ———, City Clerk. —— ———, Mayor.

SEC. 14. (Oct. 31, 1868)—§ 15. The City Clerk shall take the receipt of the Assessor and Collector for the warrant, upon the delivery thereof, and shall charge him with the amount of the same. He shall keep a sidewalk account, and all expenditures for building or repairing sidewalks, and all money collected or received for the same, shall be properly charged or credited thereto, and the entries shall, in all cases, show the lot or premises for which such charge is made or credited. If there shall be, from time to time, any uncollectable balance due on such account, it may be charged or carried to the general account chargeable therewith.

SEC. 15. (Oct. 31, 1868)—§ 16. The Assessor and Collector, upon the receipt of the warrant, shall, without delay, cause a notice, signed by him, to be published for six days, in the newspaper publishing the ordinances of the city, stating that the warrant for the collection of the assessments made by the City Council, against the premises named therein [describing the same, with the owner thereof, if known, and the amount of the assessment, as fully as set forth in the warrant], and for the sums set opposite to each, for the value of benefits found to accrue to said premises by reason of constructing and laying sidewalks in front of or adjoining said premises, have been delivered to him for collection, and that payment of the same is demanded. Such notice shall be deemed as sufficient demand, and a neglect to pay such assessment for twenty days thereafter shall be deemed a refusal. But the Assessor and Collector shall, as far as practicable, make personal demand of payment of any known owner of such premises, or his agent, or any other person liable therefor, if to be found within the city.

SEC. 16. (1868)—§ 17. The Assessor and Collector shall, in the collection of the warrant, have all the powers conferred on him by law, in the collection of general warrants for taxes, and shall perform the same duties and be subject to the same liabilities, and his return may be made, as near as may be, in like form. The Council may, by order or resolutions, extend the time of the return of the warrant.

SEC. 17. (1868)—§ 18. When any warrant shall be returned unsatisfied, in whole or in part, as to any sidewalk assessment against any lot or premises, or any part thereof, the City Council may, at any time thereafter, by an order, to be entered upon the journals or record kept by the City Clerk, direct the City Attorney to make application, for and on behalf of said city, to the County Court of Champaign county, Illinois, for judgment against any lot, or piece or parcel of land delinquent, and against which benefits have been found and assessed, as hereinbefore provided, for the amount of said assessments and costs, which order may be in form as follows, to-wit:

WHEREAS, The warrant issued the —— day of ———, 186—, for the collection of a sidewalk made by the Council, for the value of benefits ascertained as having accrued to the premises hereinafter named, by reason of constructing and laying sidewalks, in front of

or adjoining the premises therein named, has been returned unsatisfied, as to the following described lots or premises, and for the amount set opposite to each, to-wit:

Names of Owners.	DESCRIPTION.			Amount of assessment.
	Lot.	Block.	Addition.	

It is therefore ordered by the City Council of the City of Champaign, that the City Attorney, without delay, give notice in writing to the owners or agents of the above described premises, that he will, on behalf of said city, at the expiration of ten days from the date of the service of such notice, apply to the County Court of Champaign county, Illinois, for a judgment against each of said lots or premises, for the amount of said assessment and costs, to be signed by said Attorney and served by copy.

SEC. 18. (1868)—§ 19. The Clerk shall, without delay, after the passage of the order aforesaid, make out and deliver to said Attorney a certified copy of such order, who shall, at least five days before the day on which application for said judgments shall be made, file the same, together with a copy of the notice served by him on said owners or agents, in the office of the Clerk of said County Court, and also his affidavit, in writing, of the time and manner in which such notices were served.

SEC. 19. (1868)—§ 20. When judgments shall be rendered, as aforesaid, against any premises delinquent as aforesaid, it shall be the duty of the City Attorney, or City Clerk, to cause notice to be published, in any newspapers published in said city, addressed to the owners or agents of such premises, describing the same, notifying him, her or them that judgment has been had against such premises, and the amount of said judgment and costs, and why obtained, and that unless said judgment and costs shall be fully paid and satisfied within twenty days from the date of said judgment, that such premises will be sold to satisfy the same, by the Sheriff of Champaign county, in the manner and with like effect as if sold upon execution at law. Said notice shall be sufficiently published by the publication of one insertion in the newspaper publishing the same.

SEC. 20. (1868)—§ 21. When any sidewalk, or sidewalk curbing, in front of or adjoining any premises, shall be broken, and need repairs, or require to be wholly relaid, the proper Supervisor shall, without delay, cause a printed or written, or partly printed and partly written, or verbal, notice to be served upon any known owner of the premises, or his agent, or any other person who may be liable to repair or relay such sidewalk, or upon both, in his discretion, stating the material and extent of the repairs necessary, and requiring them to be made within thirty days after notification, unless it shall be necessary wholly to relay the sidewalk, in which case not less than ten, nor

exceeding thirty days, shall be specified in the notice. But if no known owner of the premises, or his agent or occupant, or other person liable therefor, can be found within the city, or if the cost of such repairs or relaying will not exceed five dollars, or if the sidewalk or the curbing thereof [is] in such a condition as to be unsafe or dangerous, the proper Supervisor shall cause the same to be repaired or relaid, without notice, and the City Council shall ascertain the value to such lots of the improvement so made, and assess and collect the same, as hereinbefore provided in cases of original construction of sidewalks.

SEC. 21. (1868)—§ 22. The grades of sidewalks shall be established by the City Council; but the City Engineer may give a temporary grade, where permanent grade is not established, and he shall, when requested by any person desirous to build any sidewalk, stake out the grade thereof without charge.

SEC. 22. (1868)—§ 23. Whoever shall build, or cause to be built, or assist in building any sidewalk, contrary to any grade established by the City Council, or in a different manner than is herein required, or shall, where no permanent grade is established, build, or cause to be built, or assist in building any sidewalk, without first obtaining a temporary grade therefor, from the City Engineer, or shall build, or cause to be built, or assist in building, such sidewalk, contrary to the grade which may be given by the City Engineer, shall, in each case, be subject to a penalty of no less than three dollars, and an additional penalty of not less than one dollar for each day he shall not remedy or rebuild such sidewalk, when required by the proper City Supervisor, and shall likewise be liable for all damages arising from the same.

SEC. 23. (1868)—§ 24. If the owner of any premises, or any occupant or lessee thereof, whose duty it is, by any contract or otherwise, to do the same, shall neglect or refuse to repair, relay or rebuild any sidewalk, or sidewalk curbing, in front of or adjoining his premises, after due notice to do the same, as is herein required, he shall be subject to a penalty of not less than one dollar for each day he shall not comply with such notice, and shall also be liable for all damages arising from the bad condition of such sidewalk.

SEC. 24. (1868)—§ 25. That all and singular the terms and provisions of this act shall apply to each and every road district or division, into which the city is now divided, or may hereafter be divided, and to each and every Supervisor of such district or division, to the end that this ordinance be completely executed in every particular, in the same manner as though there was but one district or division in the city, and but one Supervisor for the city.

CHAPTER XXII.

Streets and Alleys.

AN ORDINANCE in Relation to Public Grounds, Streets and Alleys.

I. *Order by City Council, Form of.*
II. *Proposed Improvement, to be Surveyed.*
III. *Compensation, Disagreement of, how Proceed.*
III. *Notice, when, Form of.*
IV. *Commissioners, how Chosen, Duty of.*
V. *Same, to be Sworn, to Give Notice.*
VI. *Building upon Land, how Proceed.*
VII. *Same, Commissioners to Give Notice, Form of.*
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X. *Same, Assessments, Damages and Benefits.*
XI. *Property of Different Parties, how Proceed.*
XII. *Assessments, Commissioners' Report of, Form of.*
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XV. *Ordinances for, Form of.*
XVI. *Warrant for Collections, Form of.*
XVII. *Powers of City Officers herein.*
XVII. *Reference to Charter and Tax Ordinance.*
XVIII. *Assessments, when Due.*
XIX. *Removal of Commissioners, when.*
XX. *Land Appropriated, when.*
XXI. & XXII. *Land under Lease or Contract, how Proceed.*
XXIII. *Appeals Taken, when.*
XXIV. *Infants Interested, how Proceed.*
XXV. *Commissioners to Make Deed.*

SECTION 1. (Aug. 24, 1870)—§ 1. *Be it ordained by the City Council of the City of Champaign*, That whenever the City Council shall determine to open, lay out, alter, widen, contract, straighten or discontinue any public ground or square, street, alley or highway, they shall make an order, to be entered upon the records of the City of Champaign, setting out clearly what improvement is proposed, and describing, as nearly as may be, the land and the amount to be used in said improvement; the direction, width and dimensions of any street, alley or highway, proposed to be opened, laid out, altered, widened, contracted, straightened or discontinued, as nearly as may be, giving the names of all persons to be affected thereby, if known, which order may be substantially as follows, to-wit:

ORDERED, That a [street, etc.—here state the nature of the improvement,] be [opened, etc.—here describe the improvement intended], according to the charter and ordinancess of the City of Champaign, the same to occupy portions of the following described real estate, to-wit: [here give names of owners and descriptions of land, as nearly as may be].

Ibid. SEC. 2. Whenever the City Council shall have passed an order, as required by the foregoing section of this ordinance, to open, lay out, alter, widen, contract, straighten or discontinue, any public ground or square, street, alley or highway, it shall be the duty of the Clerk to furnish the City Surveyor with a copy thereof, who shall at once proceed to survey the proposed improvement, describing, platting and recording the same in a book, to be kept by the City Clerk, showing accurately and particularly the proposed improvement, and the real estate to be taken therefor.

Ibid. SEC. 3. Whenever any street, alley or highway, public ground or square, is proposed to be opened, laid out, altered, widened, contracted, straightened or discontinued, according to the provisions hereof, and the amount of compensation cannot be agreed upon between the owners of the real estate and the City Council, or the owners of said real estate are unknown, or non-residents, the City Council shall give notice of their intention to appropriate and take the land necessary for the proposed improvement, to the owner or owners thereof, by publishing said notice twice in the paper publishing the ordinances of the city, which notice may be substantially as follows, to-wit:

NOTICE.

Notice is hereby given that a [street, etc.—here give nature of the improvement,] will be [laid out, etc.—here describe the improvement,] which improvement will occupy, in whole or in part, the following described real estate, to-wit: [here give description of the land, and names of owners, if known,] and the City Council of the City of Champaign have determined, by an order entered upon the records of the city, to take and appropriate the land necessary for said improvement.

Ibid. SEC. 4. After the expiration of ten days from the first publication of the notice hereinbefore mentioned, the City Council

shall choose, by ballot, three disinterested freeholders, residing in the city, as commissioners, to ascertain and assess the damages and recompense due the owners of said real estate respectively, and at the same time to determine what persons and what real estate will be benefited thereby, in proportion, as nearly as may be, to the benefits resulting to each. A majority of all the Aldermen authorized by law to be elected shall be necessary to a choice of such commissioners.

Ibid. SEC. 5. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities, and, before entering upon their duties, they shall give at least five days' notice, to all persons interested, of the time and place of this meeting, for the purpose of viewing the premises [describing them] and making their assessments, which notice shall be served personally, or in writing, if the owner or owners are residents and known, or by leaving a copy thereof at their usual place of abode; and, if non-residents or not known, by publication once in the paper publishing the ordinances of the city, which publication shall be five days before said meeting. Said commissioners shall view the premises, and in their discretion receive any legal evidence that may be necessary to aid in the performance of their duties, and, if necessary, may adjourn from day to day.

Ibid. SEC. 6. If there should be any building or buildings, in whole or in part, upon the land to be taken, the commissioners, before proceeding to make their assessments, shall first estimate and determine the whole value of such building or buildings, to the owner or owners thereof, aside from the value of the land and the actual injury to him, her or them, in having such building or buildings taken from him, her or them; and secondly, the value of such building or buildings to him, her or them, to remove the same.

Ibid. SEC. 7. The commissioners, when they shall have proceeded as required in the foregoing section, shall give at least five days' notice of their determination in the premises, to the owner or owners of such building or buildings, which notice shall be in writing, and served personally upon the parties interested, or a copy thereof left at their usual place of abode, if residents and known, and if the party or parties are non-residents or unknown, by publication at least once in the paper publishing the ordinances of the city, which publication shall be at least five days prior to the time named therein, for the parties to appear and make their election as hereinafter provided. Such notice shall, as accurately as may be, specify the buildings and the award of the commissioners, and shall be signed by them; it shall also require the persons interested to appear by a day, to be named therein, or give notice to the City Council of their election, either to accept the award of the commissioners, and allow the building or buildings to be taken with the land condemned or appropriated, or of their intention to receive such building or buildings at the value set thereon by the commissioners to remove the same, which notice may be substantially as follows, to-wit:

NOTICE.

Notice is hereby given to A. B. [or, if unknown, whom it may concern], that the undersigned commissioners, in accordance with the requirements of an order of the City Council of the City of Champaign, and the ordinances of said city, did, on the —— day of ———, A. D. ——, examine a certain building [here give locality and an accurate description, and, if more than one, describe each separately, giving the names of the owners of each, if known], which occupies certain land to be taken and appropriated for [here describe the improvement proposed], and having duly considered the premises, do assess and determine the value of said building or buildings, to the owners thereof, aside from the value of the land occupied by the same, and the injury to the owners thereof, in having said building taken from him, to be as follows, to-wit: Building first above described, belonging to A. B. (or unknown), to be —— dollars, —— cents, (building second above, etc., continue as above), and that the value of said building first above described, to the owner or owners thereof, for the purpose of removing the same, to be —— dollars —— cents [and building second, etc., continue as before,] and you are further notified to appear before the City Council of the City of Champaign, on the —— day of ———, A. D. 18—, at —— o'clock, —. m., and there make or give notice of your election, either to receive such building at the value set thereon by the commissioners, and remove the same, or to accept the award of the commissioners, and allow such building to be taken with the land.

Signed,

A. B.,
C. D.,
E. F.,
} Commissioners.

Ibid. SEC. 8. If the owners shall agree to remove such building or buildings, they shall have such reasonable time for that purpose as the City Council may direct. If the owners refuse to take the building at its appraised value to remove, or shall neglect or fail to give notice of his, her or their intention, as aforesaid, the City Council shall, by an order to be entered upon the records of the City of Champaign, direct the sale of such building or buildings, at public auction for cash, or on credit, giving at least five days' public notice of the sale, by posting written or printed, or partly written and partly printed, notices of the time, place and terms of the sale, in at least three of the most public places in the city, or by publication once in the newspaper publishing the ordinances of the city, which shall be at least five days before the day of sale. The proceeds of said sale shall be paid to the owner, or deposited to his, her or their use.

Ibid. SEC. 9. The commissioners shall thereupon proceed to make their assessments, and determine and appraise, to the owner or owners, the value of the real estate appropriated, and the injury arising from the condemnation thereof, which shall be awarded to such owner or owners as damages, after making due allowance therefrom for any

benefits which such owner or owners may derive from such improvement. In the estimate of damages to the land, the commissioners shall include the value of the buildings, if the building or buildings be the property of the owner or owners of the land as aforesaid, less the proceeds of the sale thereof; or if taken by the owner or owners, at the estimated value to remove, in that case they shall only include the difference between such value and the whole estimated value of such buildings.

Ibid. SEC. 10. If the damages to any person or persons be greater than the benefits received, or if the benefits be greater than the damages, in either case the commissioners shall strike a balance, and carry the difference forward to another column, so that the assessment shall show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case be collected of or paid to him, her or them.

Ibid. SEC. 11. If the lands and buildings belong to different persons, or if the land and buildings, or both the land and buildings, be subject to lease or mortgage, the injury or damages done persons respectively, may be awarded to them respectively, according to the provisions hereof, less the benefits resulting to them respectively from such improvement.

Ibid. SEC. 12. The commissioners, after having ascertained and determined the damages and the expenses of such improvements as aforesaid, shall thereupon apportion and assess the same, together with the costs of the proceeding, upon the real estate by them deemed benefited, in proportion to and not exceeding the amount of the benefits resulting to the same from the improvements, as nearly as may be, and shall, as accurately as may be, describe the real estate upon which the assessments may be made, and when completed, shall sign and return the same to the City Council within thirty days of their assessments. Such return of the commissioners may be substantially as follows, to-wit:

To the City Council of the City of Champaign:

The undersigned commissioners, elected by your honorable body, on the —— day of ———, A. D. 18—, for the purpose of determining and assessing the damages and benefits to certain real estate, resulting from the taking and appropriating the same, or a part thereof, for certain improvements, to wit: [here describe the improvements,] do hereby make return and say, That of the land of A. B., and shown in the columns below as No. 1, to-wit: [here describe accurately the land belonging to A. B., and state, as nearly as may be, the size of the land], there has been taken [here state the amount of land taken for the improvement], (and of the land of C. D., etc., continue as above until each tract has been described, and if the parties are not known, say unknown), and do asses the damages or benefits accruing to said tract or tracts, pieces or parcels of land, from said improvement, as follows:

Names.	Costs.	Damages.	Benefits.	Excess of Damages	Excess of Benefits.	To Receive.	To Pay.	Remarks.
A. B., No. 1.								
C. D., No. 2.								
Unknown No. 3.								

Respectfully submitted,

A. B.,
C. D.,
E. F.
} Commissioners.*

Champaign, Illinois, (here give date).

Ibid. SEC. 13. Upon the return of the commissioners being made to the City Council, as hereinbefore provided, the City Clerk shall give notice by publication at least twice in the paper publishing the ordinances of the city, that such assessment has been returned by the commissioners, and that, on a day to be specified therein, the same will be confirmed by the City Council, unless objection be made to the same by some person or persons interested, and the first publication of said notice shall be at least ten days before the time named for parties to appear and make objections. Any person or persons interested shall, by themselves or agent, be heard by the City Council, in

*See the City of Chicago vs. Larned, 34 Ill., 203.

favor of or against the confirming by the City Council of the assessments as returned by the commissioners, and the City Council may adjourn the hearing from day to day.

Ibid. SEC. 14. After the City Council have heard all parties interested, who desire to be heard in favor of or against said assessment, they shall, by an order to be entered upon the record of the city by the City Clerk, approve and confirm, annul or refer said assessment return back to the commissioners, which order may be as follows:

Ordered by the City Council of the City of Champaign, that the assessment returns of A. B., C. D. and E. F., commissioners, to-wit: [here set out in full the returns,] be, and the same is hereby approved and confirmed, [or annulled, or referred back to the commissioners].

If annulled, all proceedings had shall be void, and if referred back to the commissioners, they shall again make their assessments, giving notices as hereinbefore provided, and make returns of the same in the manner of the first assessment, and the City Council shall act in the premises the same as provided herein for the first assessment.

Ibid. SEC. 15. If said assessment returns be confirmed by the City Council, such assessment may at any time thereafter be collected of the owner or owners of such lot or lots, tract, piece or parcel of land, against which the same is assessed, and recovered by suit in the name of the city, before any court having jurisdiction: or the City Council may, by the passage of an ordinance or resolution, to be entered in full upon the records of the city, by the Clerk, levy and assess the amount of such assessments against the land, lot or premises, against which the same is assessed by the commissioners, and direct that a warrant issue for the collection of the same; which ordinance or resolution shall be substantially as follows, to-wit:

An Ordinance (or resolution) for the collection of assessments.

Be it ordained (or resolved) by the City Council of the City of Champaign, That there be hereby levied and assessed against a certain lot, piece or parcel of land, the property of A. B., situated within the City of Champaign, to-wit: [here describe the land], the sum of —— dollars, —— cents. Also against a certain lot, etc, [here continue as at first, until complete with each lot of land separately]. And it is hereby ordered and directed that a warrant issue for the collection of said sum (or sums) of money, in accordance with the provisions of the charter and ordinances of the City of Champaign.

Ibid. SEC. 16. Within thirty days after the passage of said ordinance or resolution, a warrant or warrants, for the collection of said assessments, shall be issued, the same to be signed by the Mayor and Clerk, and have the corporate seal thereto affixed, and said warrant or warrants shall contain true and perfect copies of the assessment list, as made by the commissioners, and approved and levied and

assessed by the City Council, together with a description of the real estate against which said assessments have been made, as nearly as may be, and shall be delivered to the City Collector, for collection, within thirty days after the passage of the ordinance or resolution by the City Council, directing the issuing of such warrant. The warrants may be substantially as follows, to-wit:

The People of the State of Illinois, to the City Collector of the City of Champaign, greeting:

WHEREAS, The City Council of the City of Champaign did, on the —— day of ———, A. D. 18—, levy and assess upon certain lot or lots, pieces, parcels or tracts of land, real estate herein described, the several sums of money set opposite to each respectively in the appropriate column, for special assessments as benefits accruing to the same from the [opening, etc.—here describe the improvement,] as follows, to-wit: [here describe the real estate against which the assessment is made, giving the names of the owner or owners, if known, making accurate copy of the assessment, as returned by the commissioners and assessed and levied by the City Council, setting down the several sums against each piece of real estate, leaving a blank column for the entry of payment]. Now, therefore, you are commanded to make levy and collect the several sums of money set opposite to the real estate herein described, as assessments thereon for the improvements aforesaid, of the said real estate, or of the goods and chattels of the owners of said real estate, and make due return in what manner you shall execute this warrant, within ninety days from the date thereof.

(SEAL) Witness A. B., Mayor of the City of Champaign, and the corporate seal thereof, this —— day of ———, A. D. 18—.

A. B., Mayor.

C. D., Clerk.

Ibid. SEC. 17. Upon the issuing of the warrant, as hereinbefore provided, the City Clerk, City Collector, and City Council, and all other officers of the City of Champaign who may be officially required to act in the further proceedings for the collection of the assessments aforesaid, shall be governed in all things in accordance with the provisions of an ordinance entitled, "An ordinance regulating the assessment and collection of taxes," passed May 15th, 1862, commencing at the twenty-first section thereof; and according to the provision of section nine, of the amendments to the charter of the City of Champaign, and of article nine of the charter of the City of Champaign: *Provided*, That whenever it shall become necessary for the collection of the assessments, as herein provided, to give notices by publications or otherwise, as may be required by the provision of an ordinance, entitled "An ordinance regulating the assessment and collection of taxes," as aforesaid, the word "assessments" shall be used in the place of "taxes," whenever it occurs in

said ordinance, including and after the twenty-first section thereof, and at all times when such notices shall be required, or the passage of a resolution or an ordinance, or the making an order by the City Council, for the carrying out the provisions hereof, an accurate statement shall be made therein for what purpose said assessments are assessed and levied, and shall also contain accurate descriptions of the real estate against which said assessments are made, together with the names of the owner or owners thereof, if known, and in all things and to the same extent shall the officers charged with the execution hereof, have the same powers and the same authority, and shall be subject to the same conditions in the collection of the said assessments herein provided for, as is conferred upon and required of the same for the collection of taxes, in the ordinance aforesaid.

Ibid. SEC. 18. The said assessments shall be due and payable from and after the passage of the ordinance or resolution levying the same, as hereinbefore provided, and from that time shall be a lien upon the real estate against which said assessments may be made for two years, and shall be a lien upon the personal property of the owner or owners of said real estate, from and after the delivery of the warrant to the collector until paid, and no sale or transfer thereof shall affect the lien.

Ibid. SEC. 19. The City Council shall have power to remove any or all of the commissioners, and from time to time may elect others to fill vacancies of such as are removed, or refuse, or neglect, or are unable, from any cause, to serve.

Ibid. SEC. 20. The land required to be taken, according to the provision hereof, for the making, opening, widening, straightening, or altering, any public ground, square, street, alley or highway, shall not be appropriated until the damages awarded therefor, to any owner thereof, shall be paid or tendered to such owner, his, or her or their agent; or, in case such owner or his agent cannot be found in the city, deposited to his, her or their credit, in some safe place of deposit, other than the hands of the City Treasurer; and then, and not before, may such lands be taken and appropriated for the purpose required in making such improvement, as aforesaid.

Ibid. SEC. 21. When the whole of any lot or parcel, or other premises, under lease or other contract, shall be taken for any of the purposes aforesaid, according to the provisions hereof, all the covenants, contracts and agreements between the landlord and tenant, or other contracting parties, touching the same, or any part thereof, shall, upon the confirmation and approval of the report of the commissioners, respectively, fully cease and be absolutely discharged.

Ibid. SEC. 22. When part, only, of any lot, or tract, or parcel of land, or other premises, so under lease or contract, shall be taken and appropriated for any of the purposes aforesaid, according to the provision hereof, then all the covenants, contracts and agreements in relation thereto, shall, upon the confirmation of the return of the commissioners, be absolutely discharged as to the part thereof

so taken, but shall remain valid as to the residue thereof, and the rents, consideration and payments received, payable and to be paid for, or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable in respect of the same.

Ibid. Sec. 23. That whenever any person interested shall desire to appeal, according to the provision of section sixteen, of article seven, of the charter of the City of Champaign, the final order therein mentioned shall be the order of the City Council, confirming the report of the commissioners, as herein provided, and twenty days from the date of said order shall be the period allowed wherein to make such appeal.

Ibid. Sec. 24. When any known owner, or other person having an interest in any real estate, residing in the city, or elsewhere, shall be an infant, and any proceeding in relation thereto shall be had according to the provision hereof, the City Council shall apply to the judge of the Circuit Court, the judge of the County Court, or any judge of the Supreme Court, for the appointment of a guardian for such infant, according to the provisions of section nineteen, of article seven, of the charter of the City of Champaign, and all notices and summons required by the provision of this ordinance, shall be served upon said guardian, provided that nothing herein shall be so construed as to prevent such infant, or his next friend, making application for the appointment of guardian, as aforesaid.

Ibid. Sec. 25. When all the proceedings shall have been completed, and the damages assessed shall have been paid, or tendered to the owner or owners of the land taken, or deposited to the credit of him, her or them, as required herein, the commissioners shall, by deed, convey to the city the lands, lots or real estate so taken, which deed shall vest the land, lot or real estate in the city, and be conclusive evidence that all the proceedings in relation to the same have been in conformity to the charter and ordinances of said city.

CHAPTER XXIII.

Streets and Alleys.

AN ORDINANCE in Relation to Labor upon Streets and Alleys.

I. *Streets, who to Labor upon.*
I. *Streets, Labor upon Commuted how.*
II. *Supervisor, to give Notice how.*
III. *Labor upon, how Conducted.*
IV. *Refusal to Labor, Penalty of.*
V. *Moneys Collected, Expended when.*

Section 1. (May 15, 1865)—§ 1. *Be it ordained by the City Council of the City of Champaign,* That every male resident of the City of Champaign, over the age of twenty-one years, and under the age of fifty years, be and hereby is required to labor three days in

each year upon the streets and alleys of said city, and the City Council shall, by resolution or ordinance, fix a certain amount of money, not less than two nor more than six dollars, to be paid by each person liable to perform such labor, in lieu thereof.* The City Clerk shall note the resolution or ordinance upon the journals, and it shall be the duty of the City Clerk to make out and deliver, within ten days after the passage of such resolution or ordinance, to the City Supervisor, a certificate of the amonnt of money so fixed by the City Council to be paid in lieu of labor, as aforesaid.

Ibid. SEC. 2. The City Supervisor shall notify any or all of the persons liable to perform such labor to appear at such place or places, and on such days as he may think proper, to perform such labor: *Provided*, no person shall be required to perform such labor out of the ward where he resides. Such notice shall be written or printed, or partly written and partly printed, and shall require the person or persons notified to appear on a certain time or times, at a certain place or places, to be stated in the notice, for the purpose of laboring on the streets and alles of the city, and shall state the tools which he or they shall bring with them to do the same, and may be given by delivering said notice, or causing it to be delivered, or leaving or causing it to be left at the usual place of abode or business of any person thereby required to labor as aforesaid, at least five days previous to the first day on which such person is required to labor, as aforesaid, or said notice may be given by publishing the same in the newspaper publishing the ordinances of the city, once, which publication shall be at least ten days before the first day appointed for the person or persons so notified to labor as aforesaid, or by posting up such notice in three of the public places of the ward or district wherein such person or persons reside, which shall be done at least ten days before the first day set for such labor.

Ibid. SEC. 3. Each person liable to perform such labor having been duly notified, in either of the aforesaid methods, shall, in accordance with the terms of such notice, perform the same labor, either by himself or a substitute equally able, working at least nine hours each day; and if any such person or his substitute shall spend the time in idleness, be turbulent, or disobey the Supervisor, he or his said substitute shall be discharged from such labor, and the balance due, at the rate fixed by the City Council to be paid in lieu of such labor, together with fifty per cent. added thereto, shall be collected of such person or the person for whom such substitute was to labor, by suit in the name of the city, before any court of competent jurisdiction.

Ibid. SEC. 4. Each person liable to labor on the streets and alleys of the said city, who shall fail or refuse to perform such labor, when duly notified by the City Supervisor, shall, within five days after the first day appointed in said notice for such labor, pay to the City Supervisor or City Treasurer the amount of money so fixed by

* See Charter, § 6, page 18; also, § 2, page 36, *ante*.

the City Council to be paid in lieu thereof; and, in default of such payment, the amount of money so fixed, together with fifty per cent. thereof added thereto, for damages, may be collected of the person so failing or refusing to pay the amount of money fixed by the City Council, as aforesaid, without any deduction by way of set-off, by suit in the name of the city, before any court of competent jurisdiction, with costs of suit; or the same may be collected, together with said fifty per cent., in the same manner as other taxes. But it shall be the duty of the City Supervisor, unless otherwise instructed by the Mayor or City Council, to institute the proper proceedings for collecting by suit.

Ibid. SEC. 5. All moneys collected or received by the city, through its proper officers, in lieu of such labor, shall be accredited to, and disbursed in, the ward or district where the person or persons paying the same shall reside at the time it becomes due.

CHAPTER XXIV.

TAXES.

AN ORDINANCE Regulating the Assessments and Collections of Taxes.

I. *Real Estate, Listed how.*
II. *Names of Owners, Arranged how.*
III. *Assessments, how Made and upon What.*
IV. *The Valuation, when Made, Party to Make Oath.*
V. *Parties Sick or Absent, how Proceed.*
VI. *Parties not Found, or Neglecting, how Proceed.*
VII. *Frudulent Listing, Penalty of.*
VIII. *Parties Refusing to List, how Proceed.*
IX. *Not Listed by Owner, how Proceed.*
X. *Not Assessed in Former Years, how Proceed.*
XI. *Assessor's Return, how Made, Form of.*
XII. *Objections, Clerk to Give Notice for, Form of.*
XIII. *Parties Objecting, how Proceed.*
XIV. *Duty of City Council herein.*
XV. *Assessor to Attend when Objections are Made.*
XVI. *Order of Confirmation, Form of.*
XVII. *City Council to Levy Tax, how.*
XVIII. *Warrant for Collection of Taxes, to Issue when.*
XVIII. *Duty of City Clerk herein.*
XIX. *The Warrant, Form of.*
XX. *Taxes, Due and Payable when.*
XXI. *Taxes, Collector Charged with, when.*
XXII. *Taxes, Collections of, how Made.*
XXIII. *Taxes, Collector may Distrain for, when.*
XXIV. *Taxes, Personal Property Sold for, when,—how.*
XXV. *Taxes Paid, to be Marked Paid.*
XXVI. *Collectors to Correct Error, when.*
XXVII. *Taxes, Property Liable for, when.*
XXVIII. *Return of Warrant, when, Form of.*
XXIX. *Assessor's Satement with Returns.*
XXX. *Warrant not Satisfied, how Proceed.*
XXX. *Order of Council therein, Form of.*
XXXI. *Same, Clerk to Certify Copy of.*
XXXII. *Sale of Delinquent Premises, Notice, Form of.*
XXXIII. *Payment to Stop Proceedings.*
XXXIV. *Sale of Real Estate, when.*
XXXV. *Sale " " how.*
XXXVI. *To Sell the Smallest Portion.*
XXXVII. *Certificate of Purchase, Form of.*
XXXVIII. *Certified List of Lands Sold, how Made.*
XXXIX. *Certificate of Redemption.*
XL. *Sale, Redemption from, when Made.*
XLI. *Tax Deeds, when Made.*
XLII. *City Clerk to Make Deed.*
XLIII. *Taxes Collected After Settlement.*
XLIV. *Taxes Twice Paid, how Proceed.*
XLV. *Double Assessments, how Proceed.*
XLVI. *Same, Refunding of.*
XLVII. *Land Sold not Subject to Tax, how Proceed.*
XLVIII. *Sales not Invalid, when.*
XLIX. *Laws of the State to Govern.*

DIVISION I.—ASSESSMENTS GENERALLY.

SECTION 1. (May 15, 1862)—§ 1. *Be it ordained by the City Council of the City of Champaign,* That the City Assessor and Collector shall, annually, after being qualified and entering upon the

discharge of the duties of his office, make out, in a suitable book or books, a list of all the real estate within the city, subject to taxation, listing and describing the lots or tracts in each addition, in numerical order, and subdividing any lot or tract by correct descriptions, when known to him to be owned in part by different persons. The valuation thereof, and the name of the owner, if known, shall be set opposite thereto. If the owner is unknown, a blank shall be left, to be filled with his name when ascertained; and if after reasonable diligence, the owner cannot be found, he shall designate, opposite to such lot or tract, the name of the owner as "unknown."

Ibid. SEC. 2. The Assessor and Collector shall also rule columns in his book for the listing of personal property subject to taxation. The names of the owners of personal property shall be entered in alphabetical order. The lists of real and personal property may be made in the same form, as near as is practicable, as the real and personal property lists of County Assessors under the laws of the State.

Ibid. SEC. 3. He shall, after making out his list, proceed to ascertain the value of the real property within the city, subject to taxation, by actual view thereof, and from the best information he can obtain, and shall make the assessed valuation of each separate lot or tract, in figures, opposite the description thereof. He shall call upon each inhabitant required by law to list any property for taxation, at his or her residence, lodging, place of business, or elsewhere, and shall demand a certified statement of all their personal property within the city, and of all the personal property belonging to or in the possession of such person, made taxable by the laws of the State, for State purposes, including moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, in his possession or under his control, which he or she is required to list for taxation, by the laws of this State, either as owner, agent, guardian, parent, husband, trustee, executor or administrator, receiver, accounting officer, partner or factor, with such description thereof as will enable him to list and value the same.

Ibid. SEC. 4. He shall procure the necessary blank forms for such certified statement, and shall value all property at its cash valuation. Personal property shall be listed and assessed with reference to the quantity and value on hand on the first day of May in each year, including all property purchased on that day. If the personal property is in view, and he can ascertain the value thereof, he shall value the same; but when it is not in view, or he is unable to ascertain the value thereof to his satisfaction, he shall require the person listing to give in the description and value thereof under oath.

Ibid. SEC. 5. If any person shall be sick or absent when called upon by the Assessor and Collector, he shall leave at his or her residence, lodgings or place of business, a notice with a blank form attached, requiring him or her to make out and leave at his office, on or before a certain day (not less than five days thereafter), to be named therein,

a statement certified by him or her (under oath, if required), of all the personal property which he or she is required to list; the name of the person and the date of the notification shall be noted in a book to be kept for that purpose.

Ibid. SEC. 6. If the Assessor and Collector shall be unable to find the owner of any personal property, or any other person required to list the same, or if such owner or other person shall neglect to give in a list of his property when duly notified, the Assessor and Collector shall list and value the personal property of such person, according to the best information he can obtain; or if he believe that the personal property of any person has been undervalued in the listing thereof, he shall list and re-value such property at what he considers its true valuation, and shall notify such person of such increased valuation.

Ibid. SEC. 7. If any person shall give in a false or fraudulent list of his personal property, or of any personal property which he is required to list, or shall refuse to deliver to the Assessor and Collector, when called upon, a true list, certified by him, of his personal property, or of personal property which he is required to list, or shall refuse to give in such list upon oath, when required by the Assessor and Collector, the Assessor and Collector shall, in either case, as a penalty therefor, list his personal property, or the personal property which he is required to list, at what he may deem double its value, and, upon his failure to do so, he shall be subject to a penalty of fifty dollars in each case.

Ibid. SEC. 8. The Assessor and Collector, if any person shall neglect or refuse to list his personal praperty, or any personal property which he is required to list, or if he shall be unable to find any person required to list any personal property, or if any person shall refuse to list the personal property which he is required, under oath, when required by him; or if he believes any person has listed his personal property, or any personal property which he is required to list, at less than the true valuation, or falsely or fraudulently, shall have power to examine, upon oath, any other person whom he may suppose to have any knowledge of the amount or value of all the personal property, moneys and credits, which any such person was required to list. Any person who shall refuse to be sworn, or to testify when so required by the Assessor and Collector, shall be subject to a penalty of not less than five dollars in each case.

Ibid. SEC. 9. When personal property is not listed by the owners, the Assessor and Collector shall note, opposite the name of the owner, by whom listed, as, by —— ———, agent, or by Assessor, as the case may be. He shall arrange the certified statements of property received by him alphabetical order, and shall carefully file and preserve them in his office.

Ibid. SEC. 10. If he shall find any real or personal property which has not been listed, assessed and taxed in any former year, when, by the laws and ordinances governing the city, it ought to have

been listed, assessed and taxed, he shall list and value the same for each year so omitted, noting each year for which the same is so listed and assessed.

Ibid. Sec. 11. When the Assessor and Collector shall have completed his list, he shall revise and correct them, and shall add up the several columns of his list and carry the amount forward, so as to show at the end thereof the total valuation of his real and personal property. He shall return his lists to the City Council on or before the first Monday of August in each year (unless the City Council shall, by an order, extend the time of such return), with an affidavit annexed, in substance as follows, to-wit:

I, ——— ———, City Assessor and Collector of the City of Champaign, do hereby solemnly swear, or affirm (as the case may be), that the foregoing is a correct and full list of all the real and personal property within the city, subject to taxation, so far as I have been able, with diligence, to ascertain the same, and that I have valued the same, as I believe, at the full cash value thereof, estimated agreeably to the rules prescribed therefor in the laws of the State for the assessment of property, and that the aggregate value thereof, such as set forth, is true and correct, as I believe.

——— ———,
Assessor and Collector.

OF THE RETURN OF THE ASSESSOR AND COLLECTOR'S LIST.

Ibid. Sec. 12. When the Assessor and Collector shall have returned his lists to the City Council, they shall, by an order, fix a day for the hearing of objections thereto. The City Clerk shall give notice of the time and place so fixed for the hearing of such objections, by publishing in the paper publishing the ordinances of the city, which publication shall be made at least five days before the day appointed for the hearing of such objections, an advertisement, substantially as follows, to-wit:

NOTICE TO TAX-PAYERS — ASSESSMENT LISTS.

City Clerk's Office,
Champaign, Ill., ———, 18—.

Notice is hereby given that the lists of all the taxable and real and personal property within the city, for the municipal year A. D. 18—, have been returned to the City Council by the City Assessor and Collector, and that objections thereto will be heard by the City Council, at the meeting to be held at ———, on the —— day of ———, instant (or next), at which time and place all persons aggrieved by the assessment of their property may appear, and no others, and make and file their objections in writing.

——— ———, City Clerk.

Ibid. Sec. 13. Any person aggrieved by the assessment of his property, or any property which he is required to list, may appear at

the time specified, and make and file his objections in writing, stating, as specifically as may be, the nature of his objections. All objections shall be made or filed at or before the meeting of the City Council called to hear and determine the same, and at no other, and the facts stated in such objections shall be verified upon oath, either by the person making the same, or by a creditable witness.

Ibid. SEC. 14. The City Council, convened for the purpose of hearing objections, shall hear and determine them in a summary manner, and shall correct all errors and supply any omissions they may discover in the lists, and, for the purpose of equalizing them, may alter, add to, take from, or otherwise correct and revise the same, or may refer them back to the Assessor and Collector, with instructions to him to revise and correct them, or they may be referred to a committee for that purpose; but all corrections and alterations shall be reported to the City Council, for their final action and approval. The City Council shall not, in any case, remit or reduce the assessment of double the value of the property of any person listed by the Assessor and Collector as a penalty for his refusing to list his property, or for refusing to give it in upon oath when required, or for giving in a false or fraudulent list.

Ibid. SEC. 15. The Assessor and Collector shall attend the meeting of the City Council, convened for the purpose of hearing objections to his lists, and shall give all information in his power in relation to any property, to the assessment of which any objection may be made by any person aggrieved.

Ibid. SEC. 16. When the Assessor and Collector's lists shall have been revised and corrected by the City Council, they shall, by the passage of an order, to be entered at full upon the journals of the Clerk, approve and confirm them, and direct that they be filed, and that a warrant issue for the collection of the several taxes which may be levied and assessed thereon. The order may be substantially as follows, to-wit:

WHEREAS, The assessment lists for the municipal year one thousand eight hundred and —— have been duly made and returned by the City Assessor and Collector, and revised and corrected by the City Council, after due notice to all persons aggrieved thereby, and full hearing of all objections thereto, it is

Ordered, by the City Council of the City of Champaign, that the said assessment lists, and the several assessments therein contained, as revised and corrected by the City Council, be, and the same are hereby confirmed and approved, and that they be filed, and that a warrant issue for the collection of the several taxes which may be assessed and levied thereon.

Ibid. SEC. 17. The City Council shall thereupon, by an ordinance, levy upon all the taxable real and personal property listed, such sums of money as may be sufficient for any or all of the several purposes for which taxes are authorized to be levied, not exceeding the

authorized percentage, particularly specifying each purpose for which the same are levied, and if not for general purposes, or for the whole city, the district or division upon which they are laid.

DIVISION II. — OF THE COLLECTION OF TAXES.

Ibid. SEC. 18. The City Clerk shall, as soon as may be after the passage of the ordinance or resoltion levying taxes, and within thirty days at least, unless the time shall be extended by the City Council, make out and deliver to the Assessor and Collector a warrant for the collection of such taxes. The warrant shall contain a true copy of the corrected assessment lists, with additional columns ruled therein for the entry of each tax which may be levied by the City Council. Each column shall be headed with the name of the tax; a column shall also be ruled for the entry of payment, when taxes are paid to the Assessor and Collector. The City Clerk, shall calculate the amount of each separate tax, rejecting fractions of a cent, in all cases, and place it in the proper column, opposite the name of the person or description of the property chargeable therewith. He shall carefully compare and add up each column, and carry the amount forward, so as to show at the end of the tax list the total amount of the taxes levied. He shall test the accuracy of his computations and additions by calculating the tax on the total valuation of the property on each page, so that he may be certain that the taxes have been correctly extended and added. If the property is assessed for any former year, he shall calculate the percentage of each several tax due for that year, noting the year for which such taxes are leveid, and the Assessor and Collector shall collect the same, with the interest thereon at the rate of ten per cent. per annum, from the date from which they were due until paid.

Ibid. SEC. 19. The warrant shall be issued returnable within ninety days from the date thereof, and shall be signed by the Mayor and City Clerk, under the corporate seal, and may be substantially as follows, to-wit:

STATE OF ILLINOIS, }
CITY OF CHAMPAIGN. }

The People of the State of Illinois, to the City Assessor and Collector of the City of Champaign, greeting:

WHEREAS, The City Council of the City of Champaign did, on the —— day of ———, A. D. 18—, assess and levy upon the assessed value of the real and personal property herein described, the several sums of money set opposite to each, respectively, in the appropriate columns, for general — and — taxes (according to the several kinds of taxes levied), of the City of Champaign, for the municipal year one thousand eight hundred and —, as follows: [here describe the real and personal property, with the valuation thereof, making a perfect copy of the corrected assessment lists, and specifying and setting down the several taxes levied by the City Council, in separate columns, carrying

forward the totals of each column, and leaving a blank column for the entry of payment]. Now, therefore, you are hereby commanded to make levy and collect the several sums of money set opposite to the real and personal property herein described, as the taxes thereon, for the year aforesaid, of the goods and chattels of the respective owners of said real and personal property, and make due return in what manner you shall execute this warrant, within ninety days from the date thereof.

(SEAL) Witness A. B., Mayor of the City of Champaign, and the corporate seal thereof, this —— day of ———, A. D. one thousand eight hundred and ——.

A. B., Mayor.

C. D., City Clerk.

Ibid. SEC. 20. The several taxes shall be due and payable from and after the approval of the corrected lists, and the passage of the ordinance or resolution levying the taxes, and from that time be a lien upon real property for two years, and shall be a lien on personal property from and after the delivery of the warrant to the Assessor and Collector until paid, and no sale or transfer thereof shall affect the lien.

Ibid. SEC. 21. On issuing any warrant for taxes, the City Clerk shall take duplicate receipts from the Assessor and Collector, specifying the amount of taxes levied by the warrant, one of which he shall file with the Treasurer, and they shall charge the Assessor and Collector on their books with the full amount thereof.

Ibid. SEC. 22. The Assessor and Collector, upon receipt of the warrant, shall immediately proceed to collect the taxes levied therein; and he shall, without delay, cause a notice, signed by him, to be published for two weeks successively in the newspaper publishing the ordinances of the city, stating that the warrant for the collection of the several city taxes for the municipal year A. D. 18—, upon all the taxable real and personal property within the city, and all the taxable personal property of the inhabitants thereof, has been delivered to him for collection of the same, and that payment thereof is demanded. Such notice shall be deemed a sufficient demand, and a neglect to pay such tax, for twenty days after the expiration of said notice, shall be deemed a refusal; but he shall, as far as is practicable, make personal demand of payment of each person charged with taxes, of his agent, if known, and to be found within the city.

Ibid. SEC. 23. He shall have power, by virtue of his warrant, to distrain and sell any personal property of any person charged with real or personal property taxes, for the payment thereof, together with the costs, who shall refuse to pay the same on a personal demand, or for twenty days after the due publication of notice, when no personal demand has been made, or he may distrain forthwith, if he apprehend danger of the loss of the taxes by the removal of the

property of any person owing taxes or otherwise, or he may collect such taxes by suit in the corporate name, before any court having jurisdiction, at any time after a demand and refusal to pay the same.*

Ibid. SEC. 24. He shall, before selling any personal property distrained by him, give at least five days' notice of the time and place of sale, by posting up notices thereof at the front of the post office, and in at least two other of the public places of the city, describing the personal property to be sold, and stating the name of the delinquent, and the amount of the taxes and costs for which the same will be sold. The sale shall be at public auction, between the hours of nine o'clock a. m. and five o'clock p. m., and no more of the property distrained shall be unnecessarily sold than will be sufficient to pay the taxes due and the costs of distraining and sale. Any surplus shall be paid to the delinquent. For levying and selling, the Assessor and Collector may charge and receive a fee of fifty cents, and five per cent. on the amount collected by such sale, together with the necessary costs and charges of removing such property, and keeping the same, from the time of distraining thereof until sold.

Ibid. SEC. 25. The Assessor and Collecter, upon the receipt of the money for the payment of taxes, shall mark the word "paid" opposite to the name of the person or description of the property charged therewith, and he shall also give a receipt therefor to the person paying the same, stating the amount, describing the property, the valuation thereof, and the several taxes for which the same was paid.

Ibid. SEC. 26. If the Assessor and Collector, in collecting taxes, shall find any error in calculation of taxes in his warrant, he shall correct the same; and if he shall discover any taxable property omitted in his warrant, he shall note the same, and report such property, with the valuation thereof, to the first meeting of the City Council thereafter, and the City Council shall, by an order, direct the City Clerk to enter such property, with the valuation thereof, in the warrant, and he shall compute the amount of the several taxes due upon such property, and set the same down in the appropriate columns, in the same manner as if it had been originally listed, and the taxes thereon shall be collected in like manner.

Ibid. SEC. 27. Real property shall in all cases be liable for the taxes levied thereon. Personal property shall be liable for the taxes levied on real property, and real property shall be liable for the taxes levied upon personal property; but the taxes due upon personal property shall not be charged upon real property, except in cases of removal or insolvency, or otherwise where the taxes cannot be collected and made out of the personal property; but the Assessor and Collector may, in all cases, distrain and sell personal property for taxes due upon real property.

* A collector of taxes, under municipal ordinance, must, in distraining property for taxes, in all his proceedings, strictly follow its directions. See Allen *vs.* Scott, 13 Ill., 80.

DIVISION III.—OF THE RETURN OF THE WARRANT.

Ibid. SEC. 28. The City Council may extend the return day of any warrant, by order or resolution. On the return day of the warrant, the Assessor and Collector shall make return thereof to the City Council, or, if not in session, he shall make return to the next meeting of the City Council after the return day. His return may be substantially as follows, to-wit:

STATE OF ILLINOIS, } ss.
CITY OF CHAMPAIGN. }

CITY ASSESSOR AND COLLCTOR'S OFFICE, }
CHAMPAIGN, ——, 18—. }

To the City Council of the City of Champaign:

The undersigned, City Assessor and Collector of the City of Champaign, makes return to the City Council of the foregoing warrant, that he has collected the taxes on all the real and personal property described in said warrant, opposite to which, in the appropriate column, the word "paid" is written; that demand of payment has been made of all the taxes not marked "paid," by notice, duly published in the newspaper publishing the ordinances of the city, and personally of the several persons charged therewith, in each case, where he has been able, by diligent inquiry, to find such persons; and that he has not been able to collect such tax of such persons, or to find any personal property belonging to them, or either of them, out of which the taxes could be made. He therefore returns the said warrant unsatisfied, as to all the taxes not marked "paid" on the face thereof.

A. B., City Assessor and Collector.

Ibid. SEC. 29. The Assessor and Collector shall also make out and return with his warrant a statement, in writing, of the names of all persons charged with personal property taxes, and the amount thereof which he has been unable to collect, by reason of insolvency, removal or otherwise. If the delinquent shall own any real estate within the city, the fact shall be reported, and the City Council may order that the personal property taxes due from each delinquent shall be charged to any of his real estate, and the same shall be so charged and added to the taxes due upon any of his real property, by the Assessor and Collector. He shall report any error which he may have found in the warrant and corrected.

Ibid. SEC. 30. When any warrant shall be returned unsatisfied, in whole or in part, as to any taxes due on real property, or as to any taxes due on personal property, charged against any real property, the City Council shall, by the passage of an order, to be entered at full upon the journals, by the City Clerk, direct the Assessor and Collector to sell the delinquent premises (describing the same, with the name of the owner thereof, if known, and the several taxes due against the same, as fully as set forth in the warrant), or so much thereof as may be necessary to pay such taxes and the costs of sale.

he first giving due notice of the time and place of such sale, as required by law. The order may be substantially as follows, to-wit:*

WHEREAS, The warrant issued on the —— day of ———, A. D. 18—, for the collection of the taxes levied by the City Council of the City of Champaign, upon the assessed value of all the real and personal property within said city, and the personal property of the inhabitants thereof, listed for and subject to taxation for the municipal year A. D. 18—, has been returned by the City Assessor and Collector unsatisfied as to the following described real property not marked "paid," in said warrant, and upon which the taxes thereon, as charged against the same, yet remain due and unpaid, to-wit: [here describe each separate delinquent lot or tract, with the name of the owner thereof, if known, and the several taxes due thereon, as full as set forth in the warrant]. It is therefore ordered by the City Council of the City of Champaign that the Assessor and Collector proceed to sell the afore described delinquent lots, premises and real estate, or so much thereof as may be necessary to pay the several taxes respectively due thereon, and charged against the same, and the costs of the sale thereof, in the manner prescribed by law, he first giving due notice of the time and place of such sale, as regulated by law.

Ibid. SEC. 31. The City Clerk shall, without delay, after the passage of the order of sale, make out a certified copy thereof, signed by the Mayor and himself, under the corporate seal, and shall attach the same to the warrant, and deliver them to the Assessor and Collector. The warrant, and the certified copy of the order of the City Council attached thereto, shall constitute the process upon which the Assessor and Collector shall sell the delinquent lots, premises and real estate described therein, and they may be sold at any time within two years after the approval and confirmation of the corrected assessment lists by the City Council.

Ibid. SEC. 32. The Assessor and Collector shall then sell the delinquent premises, or so much thereof as may be necessary to pay the several taxes respectively due and charged thereon, and the costs of advertising the same for sale, he first giving notice of the time and place of sale, by publishing an advertisement at least four times in the newspaper publishing the ordinances of the city, the first publication to be made at least thirty days before such sale, describing in such notice the delinquent lots or premises, by figures or otherwise, with the name of the owner thereof, if known, and the amount of the several taxes respectively due thereon, as fully as set forth in the warrant, and the year for which such taxes are due, and the cost of sale, and stating the smallest portion of the delinquent lot, part of lot, or premises, to be taken from the east side thereof, will be sold to the

*There is no power to sell real estate for non-payment of taxes, save upon a judgment of a court of record. See Brown vs. City of Joliet, 22 Ill., 125.

person who will take the same and pay the several taxes due thereon, and the costs of advertising the same for sale. The notice of sale may be substantially as follows, to-wit:

CITY TAX SALE.

CITY ASSESSOR AND COLLECTOR'S OFFICE,
CHAMPAIGN, ——, 18—.

Notice is hereby given that the undersigned, in pursuance of the warrant for the collection of the taxes, and the order of the City Council of the City of Champaign, passed on the —— day of ———, A. D. 18—, will on the —— day of ——— next, between the hours of ten o'clock a. m. and six o'clock p. m., at ———, in this city, sell at public auction the smallest portion of each of the lots, parts of lots, real estate and premises hereinafter described, to be taken from the east side thereof, to the person who will take the same and pay the several sums set opposite to each, being the taxes levied, assessed and charged thereon by the City Council of said city, for the several purposes named, for the municipal year A. D. 18—, together with the costs of advertising the same for sale, to-wit: (here describe the delinquent premises, with the name of the owner thereof, if known, and the several taxes respectively due thereon, as fully as set forth in the warrant), —— cents will be charged upon each separate lot, or tract, as the costs of advertising the same for sale.

—— ———, City Assessor and Collector.

Ibid. SEC. 33. All proceedings may be, stopped at any time before sale by payment of the amount of the taxes due and the costs of advertising.

Ibid. SEC. 34. The Assessor and Collector shall sell the delinquent real property for the taxes charged against the same and due thereon, at his office, or at such other public place in the city as may be named in his notice, on or before the first Monday of February in each year, unless the City Council, by order or resolution, extend the time of such sale.

DIVISION IV.—SALE OF REAL PROPERTY FOR TAXES.

Ibid. SEC. 35. The Assessor and Collector shall, on the day of sale, attend at the place of sale mentioned in his notice, and shall, between the hours of ten o'clock a. m. and six o'clock p. m., of such day, offer for sale each lot, part of lot, or tract of real estate, so advertised for sale, upon which the taxes then remained due and unpaid, and if he shall fail to attend such sale, unless prevented by sickness or other unavoidable cause, in which case the City Clerk shall attend such sale and act in his place, he shall be liable to pay to the city the full amount of the taxes due upon all property so advertised for sale, with all the costs and charges thereon, in the same manner as if the same had been sold; and he may afterwards collect such taxes and costs, and may re-advertise and sell the delinquent real property, in the manner herein required for such taxes and costs, to re-imburse

the amount so paid by him; but no additional cost shall be made at such sale, and no property shall be struck off to the city, nor shall the Assessor and Collector, or the City Clerk, at any sale for the taxes, either for himself or others, bid upon or purchase any lot or tract, or any part thereof, for the taxes due thereon, under a penalty of not less than twenty-five dollars, and any such sale shall be void.

Ibid. SEC. 36. The sale shall be made for the smallest portion of the lot or tract, to be taken from the east side thereof, to the person who will take the same, and pay the amount of taxes charged against and due upon such lot or tract, and the costs of advertising the same for sale. The purchaser shall, upon the lot or tract, or the smallest part thereof bid for, being struck off to him, pay the amount of the taxes due thereon, and if he shall fail to do so, the premises shall again be offered for sale, and no sale shall be considered as completed until payment is made. The person so forfeiting shall be subject to a penalty of not less than three times the amount of the taxes due upon the property bid off and forfeited by him, to be recovered as in other cases. The sale shall be continued from day to day, until all the premises advertised are sold.

Ibid. SEC. 37. The Assessor and Collector, upon the receipt of the taxes due, shall make out and sign duplicate certificates of purchase, one of which shall be delivered to the purchaser and the other shall be filed with the City Clerk. The certificate shall contain a description of the delinquent premises sold, with the name of the owner thereof, if known, and the amount of the several taxes due thereon, and the costs for which the same was sold, the part sold, with the name of the purchaser thereof, and shall state the payment of the taxes due, and the cost, by the purchaser, the date of the sale, and the time when the right of redemption will expire, and may be substantially as follows, to-wit:

CITY ASSESSOR AND COLLECTOR'S OFFICE, }
CHAMPAIGN, ——, 18—. }

This certifies that at a sale of the delinquent real property within the City of Champaign, for the several taxes due thereon, for the municipal year A. D., 18—, held at ——, in said city, on the —— day of ———, 18—, ——— purchased the —— of the following described lot (part of lot or real estate), being the smallest part thereof bid for, for the total amount of the several taxes and the costs set opposite thereto, to-wit: Name of owner, description, taxes, costs, total, lot, block, addition, general taxes, lamp tax, which said taxes and costs the said ——— has this day paid to the undersigned, and he will be entitled to a deed for —— (and describe the premises sold), unless the same shall be redeemed on or before the —— day of ———, A. D. 18— (two years from the date of sale), at which date the right of redemption will expire.

——— ———,
City Assessor and Collector.

Ibid. SEC. 38. The Assessor and Collector shall, without delay, make out a certified list of all the sales of real property made by him for the taxes due thereon, and the costs, describing the delinquent premises sold, with the name of the owner thereof, if known, and the several taxes due thereon, for which the same were sold, and the costs, the total amount of the taxes and costs, the name of the purchaser, and the date of the sale thereof, and shall return the same, together with the warrant and order of sale, to the City Council. He shall also obtain, attach to and file with his certified list, a copy of the notice of sale, with the proper certificate of the printer or publisher, that such notice was published in the newspaper publishing the ordinances of the city (naming the same) at least four times; that the first publication was made on the —— day of ———, 18— (at least thirty days prior to said sale), and the last on the —— day of ———, 18—. Upon the approval of such return by the City Council, the City Clerk shall make an entry thereof upon the journals, and he shall, without delay, record such certified list in the record book, for the entry of tax sales, and shall file and preserve the original in his office.

Ibid. SEC. 39. When any real property shall be redeemed, the City Clerk shall make an entry thereof upon the record of the tax sales, opposite the description of the property sold, naming the person redeeming, the amount paid, and the date thereof, and he shall make a special deposit of the redemption money, if paid to him, with the City Treasurer, taking his receipt therefor, and giving to [the] person redeeming a certificate of redemption, signed by him, under the corporate seal, describing the premises sold, and stating to whom sold, the amount of taxes and costs sold for, and the amount paid to redeem, including taxes subsequently paid, and the interest thereon, if the same have been paid by the purchaser; and he may charge and receive a fee of fifty cents for each certificate of redemption issued by him, to be paid by the person redeeming.

Ibid. SEC. 40. The person redeeming shall pay, within two years after the date of the sale, to the purchaser or his assignee, or to the City Clerk, for his use, double the amount in specie of the taxes and costs for which the premises were sold, together with all taxes accruing subsequent to the sale, and paid by such purchaser or his assignee, for his use, with interest upon such taxes, at the rate of ten per cent. per annum from the date of payment thereof. But any infant, lunatic, or *feme covert* may redeem any of his or her real estate sold for taxes due thereon, at any time within one year after his or her disability is removed, upon the terms herein specified; or the guardian, friend, or other person, for any such infant, *feme covert*, or lunatic, may, at any time before his or her disability is removed, redeem such real estate from any sale for the taxes due thereon.

Ibid. SEC. 41. If any real property (not belonging to any known infant, *feme covert* or lunatic), shall not be redeemed within two years after the date of the sale thereof, for the taxes due thereon, and the

costs, or within one year after the removal of the disability of any known infant, *feme covert* or lunatic, owning the same, the City Council shall, upon the return of the certificate of purchase, or proof of its loss, order a deed to be executed to the purchaser, or his assignee, under the corporate seal, signed by the Mayor or the presiding officer of the City Council, and countersigned by the City Clerk, and conveying to such purchaser, or his assignee, the premises so sold and unredeemed. But hereafter no purchaser of any land, lot or real estate, at any sale thereof for taxes due to the city thereon, or at any sale thereof for any assessment levied for any purpose, authorized by law, and due the city thereon, shall be entitled to a deed for any land, lot or real estate so purchased, until he shall comply with the following conditions, to-wit:

Such purchaser or his assignee, shall serve, or cause to be served, on every person in possession of such lot, land or real estate, at least three months before the expiration of the time of redemption on such sale, a written notice of such purchase, in which he shall state the time when he purchased such lot, land or real estate, with a description of the same, and the time when the right of redemption will expire. In like manner he shall serve, or cause to be served, a similar written notice upon the person or persons in whose name or names such land, lot or real estate is taxed, or listed for taxation, if such person or persons shall reside in the county of Champaign; but if the person in whose name the land, lot or real estate is taxed, does not reside in the county of Champaign, such purchaser, or his assignee, shall cause such notice to be given by publishing, for three times at least, an advertisement in some newspaper printed and published at the City of Champaign, the last publication to be made not less than three months before the time of redemption will expire. Every such purchaser, or his assignee, by himself or agent, before he shall be entitled to receive a deed, shall make an affidavit of his having complied with the conditions of this section, stating particularly the facts relied on as such compliance, which affidavit shall be delivered to the City Clerk, who shall enter the same upon the records of deeds for tax sales in his office, and he shall carefully file and preserve the same in his office, and such record or affidavit shall be *prima facie* evidence that such notice has been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury, and punished accordingly. In any case [where] any person shall be compelled to publish a notice in a newspaper, as herein required, then before any person, who may have a right to redeem such land, lot or real estate from such tax sale, shall be permitted to redeem the same, he or she shall pay to the officer or person authorized by law to receive such redemption money, the customary printer's fee for publishing such notice, and the expenses of swearing or affirming to the affidavit and filing the same.

Ibid. SEC. 42. The City Clerk shall, after the passage of the order, make out and deliver to the person entitled thereto, upon his compliance with the requirements of the preceding section, a deed

for the premises sold, conveying the same to him in behalf of the city, and he shall make an entry in the record of tax sales of deeds so made and delivered by him, describing the premises conveyed, the person to whom conveyed, and the date of the deed.

DIVISION V.—MISCELLANEOUS PROVISIONS.

Ibid. SEC. 43. The Assessor and Collector shall have power, to levy and collect any taxes which may remain due and unpaid after his return or final settlement, at any time, and in the same manner as before the return of his warrant. If any person, or the personal property of any person who shall have been returned delinquent, shall be afterwards found, he shall levy and collect the taxes due from such person or property, by distress or suit, as in other cases.

Ibid. SEC. 44. When the taxes due upon the same property shall be more than once paid for the same year, by different persons, the Assessor and Collector shall pay all such surplus taxes into the city treasury, and shall make a return thereof to the City Council, with the names of the persons paying the same, and he shall also enter the names of the persons paying the same opposite to the description of the property in the warrant.

Ibid. SEC. 45. When any property shall be double assessed, or assessed for taxation when not subject thereto, and the taxes so erroneously assessed have been paid, the City Council shall, upon application being made by the proper person, and satisfactory evidence of the facts, order such taxes, and the costs, if any, to be refunded to such person; and if the Assessor and Collector, after the payment of the taxes due upon any property, shall erroneously sell such property for such taxes, he shall refund to the purchaser double the amount of the purchase money.

Ibid. SEC. 46. If the Assessor and Collector shall over-pay into the city treasury, the City Council shall order the amount of such over-payment to be refunded to him.

Ibid. SEC. 47. When any real estate not subject to taxation, or upon which the taxes due have been paid prior to the sale, shall be sold for taxes, the City Clerk shall make an entry in accordance with the facts, upon the record of tax sales, opposite to the description of the property.

Ibid. SEC. 48. No sale of real property for taxes shall be invalid on the account of the same not being listed and assessed in the name of the proper owner thereof, if such real estate shall be, in other respects, sufficiently described, and the taxes thereon were due and unpaid at the time of the sale thereof; and in describing any property, or stating the value thereof, and the amount of taxes due thereon, figures and the usual abbreviations may be used in any list, warrant, notice, or other proceeding, in relation to the assessment or collection of taxes.

Ibid. SEC. 49. In all cases arising in the assessment of property for taxation, or the collection of taxes thereon, not herein provided for, the laws of the State in relation thereto, so far as the same may be applicable, shall be pursued and adhered to.

CHAPTER XXV.

Velocipedes.

AN ORDINANCE in Relation to Velocipedes.

I. *Velocipedes Prohibited from Running on Sidewalks.*

Section 1. (July 24, 1869)—§ 1. *Be it ordained by the City Council of the City of Champaign*, That on and after the due publication hereof, no person shall be permitted to run a velocipede over the sidewalks or street crossings of said city. Any person violating the provisions hereof shall be fined in any sum not less than three dollars.

CHAPTER XXVI.

Wards.

AN ORDINANCE Defining the Wards of the City.

I. *Defines First and Second Ward.*
II. *Defines Third Ward.*
III. *Defines Fourth Ward.*
IV. *Defines Fifth Ward.*
V. *Defines Sixth Ward.*
VI. *Defines Seventh Ward.*

Section 1. (Feb. 15, 1868)—§ 1. *Be it ordained by the City Council of the City of Champaign*, That the First Ward of said city shall consist of and include so much and such part of the territory within the limits of said city as lies east of the centre of the main line of the Illinois Central Railroad, and north of the centre of East Park street, and that the Second Ward of said city shall consist of and include so much and such part of the territory within the limits of the City of Champaign as lies east of the centre of the main line of the Illinois Central Railroad, and south of the centre of East Main street.

Sec. 1. (April 2, 1862)—§ 2. The Third Ward shall be bounded as follows: On the north, commencing at a point in the centre of said railroad track, also in the centre of East and West Main street; thence west along the centre of West Main street, to the western boundary of the city; on the west and south by the boundaries of the city, and on the east by the centre of said railroad track, and shall be called the "Third Ward."

Sec. 1.. (Feb. 22, 1868)—§ 3. That the Fourth Ward of said, city shall consist of all that territory lying west of the centre of the main track of the Illinois Central Railroad, and north of the centre of North street and Washington street, of said city.

SEC. 1. (April 2, 1862)—§ 4. The Fifth Ward shall include all the territory of the city south of the centre of West Church and Main streets, and west of the centre of said railroad track, and north of the centre of West Main street, and east of the western boundary of the city, and shall be called the "Fifth Ward."

SEC. 1. (Feb. 15, 1868)—§ 5. That the territory lying within the limits of said city and between the centre line of East Park street and the centre line of East Main street, and east of the centre of the main line of the Illinois Central Railroad, shall constitute and be included in, and is hereby made and declared to be the Sixth Ward of the said City of Champaign.

SEC. 1. (Feb. 22, 1868)—§ 6. All that territory lying and being within the following boundaries, to-wit: Commencing at the centre of the main line of the Illinois Central Railroad, running west along the centre of Main street, to centre of Neil street; thence north to centre of Church street; thence west, along the centre of Church street, to city limits; thence north to centre of Washington street; thence east, along the centre of Washington street, to centre of Neil street; thence south to centre of North street; thence east to centre of main track of Illinois Central Railroad; thence south, along centre of said track to place of beginning—is hereby made, constituted and declared to be a new ward, to be called and known as the "Seventh Ward" of said City of Champaign.

CERTIFICATE OF AUTHENTICATION.

STATE OF ILLINOIS, }
CITY OF CHAMPAIGN. } ss.

We, the undersigned, Mayor and City Clerk of the City of Champaign, do hereby certify that the foregoing are true and authentic copies of the original charter of the City of Champaign, and the acts amendatory thereof, and of the ordinances of said city, passed by the City Council of said city, now on file in the office of the City Clerk; and that the same were revised, printed and published herein by authority of the City Council of the said City of Champaign.

(SEAL) In testimony whereof, we have hereunto set our hands, and caused the corporate seal of said City of Champaign to be affixed, this 31st day of January, A. D. 1872.

JOSHUA DICKERSON, Mayor.

J. W. POLLOCK, Clerk.

OFFICERS OF THE CITY OF CHAMPAIGN, ILL.

MAYOR,

JOSHUA DICKERSON.

ALDERMEN,

JOHN GRAHAM, 1st Ward.
LEVI S. BULLARD, 2d "
WILLIAM NASH, 3rd "
PATRICK COFFEY, 4th "
GEO. N. WHITE, 5th "
LABAN BRAZELTON, 6th "
LEVI DODSON, 7th "

CITY ATTORNEY,

J. S. JONES.

CLERK AND TREASURER,

J. W. POLLOCK.

ASSESSOR AND COLLECTOR,

H. SHIVERS.

MARSHAL,

E. T. MCCANN.

POLICE MAGISTRATES,

I. H. HESS,
H. HOPKINS.

SUPERVISOR,

THOS. P. CADY.

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